U.S. DEPARTMENT OF COMMERCE
National Technical Information Service

PB-290 279

Air Pollution Regulations in State Implementation Plans: New Jersey

Abcor Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC

Aug 78

PB 290279

United States
Environmental Protection
Agency

Office of Air Quality
Planning and Standards
Research Triangle Park NC 27711

EPA-450/3-78-080
August 1978

Air

EPA

Air Pollution Regulations in State Implementation Plans:

New Jersey

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U. S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

TECHNICAL REPORT DATA

(Please read Instructions on the reverse before completing)

1. REPORT NO. EPA-450/3-78-080	2.	3. RECIPIENT'S ACCESSION NO. PB 290 279
4. TITLE AND SUBTITLE Air Pollution Regulations in State Implementation Plans: New Jersey		5. REPORT DATE August 1978
		6. PERFORMING ORGANIZATION CODE
7. AUTHOR(S)		8. PERFORMING ORGANIZATION REPORT NO.
9. PERFORMING ORGANIZATION NAME AND ADDRESS Walden Division of Abcor, Inc. Wilmington, Mass.		10. PROGRAM ELEMENT NO.
		11. CONTRACT/GRANT NO. 68-02-2890
12. SPONSORING AGENCY NAME AND ADDRESS Control Programs Development Division Office of Air Quality Planning and Standards Office of Air, Noise, and Radiation Research Triangle Park, NC 27711		13. TYPE OF REPORT AND PERIOD COVERED
		14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES

EPA Project Officer: Bob Schell, Control Programs Development Division

16. ABSTRACT

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
Air pollution Federal Regulations Pollution State Implementation Plans		

18. DISTRIBUTION STATEMENT RELEASE UNLIMITED	19. SECURITY CLASS *(This Report)* Unclassified	
	20. SECURITY CLASS *(This page)* Unclassified	22. PRICE PC A08 / MF A01

EPA Form 2220-1 (9-73)

EPA-450/3-78-080

Air Pollution Regulations in State Implementation Plans:

New Jersey

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

ia

EPA-450/3-78-080 Air Pollution Regulations in State Implementation Plans: New Jersey

This report is issued by the Environmental Protection Agency to report air pollution regulations of interest to a limited number of readers. Copies are available, for a fee, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

This report was furnished to the Environmental Protection Agency by Walden Division of Abcor, Inc., Wilmington, Mass. 01887, in fulfillment of Contract No. 68-02-2890. The contents of this report are reproduced herein as received from Walden Division of Abcor, Inc. The opinions, findings, and conclusions expressed are those of the author and not necessarily those of the Environmental Protection Agency. Mention of company or product names is not to be considered as an endorsement by the Environmental Protection Agency.

Publication No. EPA-450/3-78-080

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable

SUMMARY SHEET
OF
EPA-APPROVED REGULATION CHANGES
NEW JERSEY

Submittal Date	Approval	Description
3/22/73	6/15/73	Chapter 9, 13.
11/20/73	1/9/74	7:1-3.1

Note:

The revised sulfur limitations as set forth in N.J.A.C. subchapter 7:1-3.1 for bituminous coal in Class 1 and Class 2 counties are not approved at this time for the following power generating stations:

Company	Plant	City	Boiler Unit(s)
Public Service Electric & Gas	Essex	Newark	All
Do	Sewsren	Sewsren.	DO
Do	Burlington.	Burlington	1-1
Do	Kearney	Kearney	All
Do	Bergen	Bergen	No. 1.
Do	Hudson	Jersey City	Do
Jersey Central Power & Light.	Sayreville	Sayreville	All
Do	E. H. Werner.	South Amboy.	Do
Altantic City Electric	Deepwaters.	Deepwaters.	6/7,7/0 3/b,4/d.

11/19/75	4/23/76	7:27-2.1 et seq.
1/8/76	7/7/76	7:27-16.1 et seq.
6/8/76	11/18/76	7:27-8.1 et seq.

FEDERAL REGULATIONS

Section Number	Description
52.1574	General Requirements
52.1577	Compliance Schedules
52.1578	Review of New or Modified Indirect Sources
52.1583	Regulation For Annual Inspection and Maintenance
52.1584	Exhaust Gas Recirculation Retrofit
52.1585	Oxidizing Catalyst Retrofit
52.1587	Regulation Limiting On-Street Parking
52.1588	Management of Parking Supply
52.1589	Preferential Bus/Carpool Treatment
52.1590	Employer's Provisions For Mass Transit Priority Incentives
52.1591	Regulation For A Vehicle Free Zone
52.1593	Monitoring Transportation Mode Trends
52.1595	Gasoline Loading
52.1597	Federal Compliance Schedules
52.1598	Gasoline Transfer Vapor Control
52.1599	Control of Evaporative Losses From The Filling Of Vehicular Tanks
52.1600	Carpool Matching and Promotion System.
52.1603	Prevention of Significant Deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED STATE AIR POLLUTION REGULATIONS

REVISED STANDARD SUBJECT INDEX

- 1.0 DEFINITIONS
- 2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
- 3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS
- 4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)
  - 4.1 PARTICULATES
  - 4.2 SULFUR DIOXIDE
  - 4.3 NITRIC OXIDES
  - 4.4 HYDROCARBONS
  - 4.5 CARBON MONOXIDE
  - 4.6 OXIDANTS
  - 4.7 OTHERS
- 5.0 VARIANCES
- 6.0 COMPLIANCE SCHEDULES
- 7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE
- 8.0 EMERGENCY EPISODES
- 9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING
- 10.0 NEW SOURCE PERFORMANCE STANDARDS
- 11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS
- 12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS
- 13.0 RECORD KEEPING AND REPORTING
- 14.0 PUBLIC AVAILABILITY OF DATA
- 15.0 LEGAL AUTHORITY AND ENFORCEMENT
- 16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS
- 17.0 PREVENTION OF SIGNIFICANT DETERIORATION
- 18.0 AIR QUALITY MAINTENANCE AREA
- 19.0 - 49.0 RESERVED FOR FUTURE EXPANSION OF COMMON INDEX
- 50.0 POLLUTANT - SPECIFIC REGULATIONS
  - 50.1 PARTICULATES
    - 50.1.1 PROCESS WEIGHT
    - 50.1.2 VISIBLE EMISSIONS
    - 50.1.3 GENERAL

- 50.2 SULFUR COMPOUNDS
- 50.3 NITRIC OXIDES
- 50.4 HYDROCARBONS
- 50.5 CARBON MONOXIDE
- 50.6 ODOROUS POLLUTANTS
- 50.7 OTHERS (Pb, Hg, etc.)

51.0 SOURCE CATEGORY SPECIFIC REGULATIONS

- 51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)
- 51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)
- 51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)
- 51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)
- 51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)
- 51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)
- 51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)
- 51.8 HOT MIX ASPHALT PLANTS
- 51.9 INCINERATION
- 51.10 NITRIC ACID PLANTS
- 51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide
- 51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)
- 51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)
- 51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)
- 51.15 PETROLEUM REFINERIES
- 51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)
- 51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)
- 51.18 SULFURIC ACID PLANTS
- 51.19 SULFURIC RECOVERY OPERATIONS
- 51.20 WOOD WASTE BURNERS
- 51.21 MISCELLANEOUS TOPICS

TABLE OF CONTENTS

STATE REGULATIONS

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	Subchapter 1	General Provisions	1
(1.0)	7:27-1.4	Definitions	1
(51.13)	Subchapter 2	Control and Prohibition of Open Burning	3
(1.0)	7:27-2.1	Definitions	3
(51.13)	7:27-2.2	Open Burning For Salvage Operations	4
(51.13)	7:27-2.3	Open Burning of Refuse	4
(2.0)	7:27-2.4	Exceptions	4
(2.0)	7:27-2.5	Infested Plant Life	5
(51.13)	7:27-2.6	Prescribed Burning	6
(8.0)	7:27-2.7	Emergencies	6
(11.0)	7:27-2.8	Hazardous Material	7
(2.0)	7:27-2.9	Herbaceous Plant Life	8
(51.1)	7:27-2.10	Orchard Prunings	9
(2.0)	7:27-2.11	Fees	10
(50.1.2) (51.5)	Subchapter 3	Control and Prohibition of Smoke From Combustion of Fuel	12
(1.0)	7:27-3.1	Definitions	12
(50.1.2)	7:27-3.2	Smoke Emissions From Stationary Indirect Heat Exchangers	13
(50.1.2)	7:27-3.3	Smoke Emissions From Marine Installations	13
(50.1.2) (12.0)	7:27-3.4	Smoke Emissions From The Combustion of Fuel in Mobile Sources	14

Revised Standard Subject Index	Section Number	Title	Page
(50.1.2)	7:27-3.5	Smoke Emissions From Stationary Internal Combustion Engines and Stationary Turbine Engines	14
(9.0)	7:27-3.6	Stack Test	14
(2.0)	7:27-3.7	Exceptions	14
(51.5)	Subchapter 4	Control and Prohibition of Solid Particles From Combustion of Fuel	15
(1.0)	7:27-4.1	Definitions	15
(50.1)	7:27-4.2	Standards For The Emission of Particles	16
(9.0)	7:27-4.3	Performance Test Principle	17
(9.0)	7:27-4.4	Emission Tests	17
(3.0)	7:27-4.5	Permit to Construct, Install or Alter and Certificate to Operate	17
(2.0)	7:27-4.6	Exceptions	18
(2.0)	Subchapter 5	Prohibition of Air Pollution	19
(1.0)	7:27-5.1	Definitions	19
(2.0)	7:27-5.2	Prohibition of Air Pollution	19
(50.1.1)	Subchapter 6	Control and Prohibition of Particles From Manufacturing Processes	20
(1.0)	7:27-6.1	Definitions	20
(50.1)	7:27-6.2	Standards For the Emission of Particles	22
(9.0)	7:27-6.3	Performance Test Principle	23
(9.0)	7:27-6.4	Emission Tests	23
(5.0)	7:27-6.5	Variances	23
(3.0)	7:27-6.6	Permit to Construct and Certificate to Operate	24

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	7:27-6.7	Exceptions	24
(50.2)	Subchapter 7	Sulfur	26
(1.0)	7:27-7.1	Definitions	26
(50.2)	7:27-7.2	Control and Prohibition of Air Pollution From Sulfur Compounds	27
(3.0)	Subchapter 8	Permits and Certificates	36
(1.0)	7:27-8.1	Definitions	36
(3.0)	7:27-8.2	Permits and Certificates Required	37
(2.0)	7:27-8.3	General Provisions	39
(3.0)	7:27-8.4	Applications For Permits and Certificates	40
(2.0)	7:27-8.5	Service Fees	41
(51.6)	Subchapter 9	Control and Prohibition of Air Pollution From Sulfur Dioxide Caused By The Combustion of Fuel	43
(1.0)	7:27-9.1	Definitions	43
(50.2)	7:27-9.2	Commercial Fuel Oil	43
(50.2)	7:27-9.3	Non-Commercial Fuel	44
(2.0)	7:27-9.4	Exemptions	45
(51.6)	Subchapter 10	Control and Prohibition of Air Pollution From Sulfur Dioxide caused By The Combustion of Coal	46
(1.0)	7:27-10.1	Definitions	46
(50.2)	7:27-10.2	Sulfur Content Standards	47
(51.6)	7:27-10.3	Expansion, Reconstruction, or Construction of Coal Fired Fuel Burning Facilities	48

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	7:27-10.4	Exemptions	49
(51.9)	Subchapter 11	Incinerators	50
(1.0)	7:27-11.1	Definitions	50
(2.0)	7:27-11.2	Construction Standards	52
(50.0)	7:27-11.3	Emission Standards	52
(3.0)	7:27-11.4	Permit to Construct and Certificate to Operate	54
(2.0)	7:27-11.5	Operation	55
(2.0)	7:27-11.6	Exceptions	55
(8.0)	Subchapter 12	Prevention and Control of Air Pollution Emergencies	56
(1.0)	7:27-12.1	Definitions	56
(8.0)	7:27-12.2	Emergency Criteria	56
(8.0)	7:27-12.3	Criterion For Emergency Termination	57
(2.0)	7:27-12.4	Standby Plans	57
(2.0)	7:27-12.5	Standby Orders	62
(4.0)	Subchapter 13	Ambient Air Quality Standards	65
(1.0)	7:27-13.1	Definitions	65
(4.0)	7:27-13.2	General Ambient Air Quality Standard	66
(4.1)	7:27-13.3	Ambient Air Quality Standards For Suspended Particulate Matter	66
(4.2)	7:27-13.4	Ambient Air Quality Standards For Sulfur Dioxide	67
(4.5)	7:27-13.5	Ambient Air Quality Standards For Carbon Monoxide	67

Revised Standard Subject Index	Section Number	Title	Page
(4.6)	7:27-13.6	Ambient Air Quality Standard For Photochemical Oxidants	68
(4.4)	7:27-13.7	Ambient Air Quality Standard For Hydrocarbons	68
(4.3)	7:27-13.8	Ambient Air Quality Standard For Nitrogen Dioxide	68
(12.0) (50.1.2)	Subchapter 14	Control and Prohibitions of Smoke From Diesel-Powered Motor Vehicles	69
(1.0)	7:27-14.1	Definitions	69
(12.0)	7:27-14.2	Public Highway Standard	70
(9.0)	7:27-14.3	Inspection Standard	70
(12.0)	Subchapter 15	Control and Prohibition of Air Pollution From Light-Duty Gasoline-Fueled Motor Vehicles	73
(1.0)	7:27-15.1	Definitions	73
(12.0)	7:27-15.2	Public Highway Standard	74
(12.0)	7:27-15.3	New Motor Vehicle Dealer Inspection Compliance Standards	74
(9.0)	7:27-15.4	Motor Vehicle Inspection Standard	74
(2.0)	7:27-15.5	Exceptions	75
(50.4)	Subchapter 16	Control and Prohibition of Air Pollution By Volatile Organic Substances	77
(1.0)	7:27-16.1	Definitions	77
(51.16)	7:27-16.2	Storage of Volatile Organic Substances	79
(51.16)	7:27-16.3	Transfer Operations	82
(9.0)	7:27-16.7	Emission Information and Tests	83

Revised Standard Subject Index	Section Number	Title	Page
(5.0)	7:27-16.8	Variances	84
(3.0)	7:27-16.9	Permit to Construct and Certificate to Operate	84
(2.0)	7:27-16.10	Applicability	85
(2.0)	7:27-16.11	Exceptions	85

FEDERALLY PROMULGATED REGULATIONS

Revised Standard Subject Index	Section Number	Title	Page
(14.0)	52.1574	General Requirements	87
(6.0)	52.1577	Compliance Schedules	88
(10.0)	52.1578	Review of New or Modified Indirect Source	91
(12.0)	52.1583	Regulation For Annual Inspection and Maintenance	101
(12.0)	52.1584	Exhaust Gas Recirculation Retrofit	102
(12.0)	52.1585	Oxidizing Catalyst Retrofit	104
(12.0)	52.1587	Regulation Limiting On Street Parking	106
(12.0)	52.1588	Management of Parking Supply	107
(12.0)	52.1589	Preferential Bus/Carpool Treatment	110
(12.0)	52.1590	Employer's Provision For Mass Transit Priority Incentives	112
(12.0)	52.1591	Regulation For A Vehicle Free Zone	121
(12.0)	52.1593	Monitoring Transportation Mode Trends	121
(51.16)	52.1595	Gasoline Loading	122
(6.0)	52.1597	Federal Compliance Schedules	123
(51.16)	52.1598	Gasoline Transfer Vapor Control	124
(12.0)	52.1599	Control of Evaporative Losses From The Filling of Vehicular Tanks	126

Revised Standard Subject Index	Section Number	Title	Page
(12.0)	52.1600	Carpool Matching and Promotion System	128
(17.0)	52.1603	Prevention of Significant Deterioration	131

NEW JERSEY AIR POLLUTION CONTROL CODE

(2.0) Subchapter 1 - General Provisions

(1.0) 7:27-1.4 - DEFINITIONS

The following terms used in this code shall mean and include:

REFUSE: Garbage, rubbish and trade waste.

GARBAGE: Animal and vegetable matter originating in houses, kitchens, restaurants and hotels, produce markets, etc.

RUBBISH: Solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

TRADE WASTE: All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders, and other forms of solid or liquid waste material.

SALVAGE OPERATIONS: Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.

OPEN BURNING: Any fire wherein the products of combustion are emitted into the open air, and are not directed thereto through a stack or chimney.

STACK OR CHIMNEY: A flue, conduit or opening permitting particulate or gaseous emissions into the open air, or constructed or arranged for such purpose.

PERSON: The word "person" includes corporations, companies, associations, societies, firms, partnerships and joint companies as well as individuals, unless restricted by the context to an individual as distinguished from a corporate entity or specifically restricted to one or some of the above enumerated synonyms and, when used to designate the owner of property which may be the subject of an offense includes this State, the United States, any other state of the United States as defined infra and any foreign country or government lawfully owning or possessing property within this State.

COMMISSIONER: Means the State Commissioner of Health who is the chief administrative officer of the State Department of Health.

AIR POLLUTION: The presence in the outdoor atmosphere of substances in quantities which are injurious to human, plant or animal life or to property or unreasonably interfere with the comfortable enjoyment of life and property throughout the State and in such territories of the State as shall be affected thereby and excludes all aspects of employer-employee relationship as to health and safety hazards.

(51.13) Subchapter 2 - Control and Prohibition of Open Burning

(1.0) 7:27-2.1 DEFINITIONS

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Air contaminant" means solid particles, vapors or gases which are discharged into the outdoor atmosphere.

"Department" means the Department of Environmental Protection.

"Garbage" means waste animal or vegetable matter from houses, kitchens, restaurants, hotels, produce markets or any other source, or food of any kind to be thrown away.

"Hazardous material" means trade waste which presents an existing or potential hazard to health or safety if disposed of by any means other than open burning including, but not limited to, explosives, nitrocellulose and elemental sodium.

"Herbaceous Plant Life" means plant life relating to or having the characteristics of an herb, that is, a seed producing annual, biennial or perennial that does not develop persistent woody tissue but dies down at the end of a single growing season.

"Incinerator" means any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance including but not limited to refuse, rubbish, garbage, trade waste, debris or scrap or a facility for cremating human or animal remains.

"Infested plant life" means plant life contaminated by or harboring an insect, a plant pathogen, a weed, or any other organism capable of causing damage, economic or otherwise, to environmental or natural resources.

"Open burning" means any fire whose products of combustion are emitted directly into the open air, and are not directed thereto through the stack or chimney of an incinerator.

"Plant life" means vegetation including, but not limited to, trees, tree branches, leaves, yard trimmings, shrubbery, grass, weeds, and crops.

"Prescribed burning" means the open burning of plant life under such conditions that the fire is confined to a pre-determined area and accomplishes the environmentally beneficial objectives of prevention and control of wildfires.

"Prunings" means dead or excess branches and twigs removed from plants to improve crop yield.

"Refuse" means rubbish, garbage, trade waste and plant life.

"Rubbish" means waste solids not considered to be highly flammable or explosive including, but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, furniture, tin cans, glass, crockery, masonry and other similar materials.

"Salvage operation" means any operation or activity from which is salvaged or reclaimed any product or material including, but not limited to, metals, chemicals, or shipping containers.

"Stack or chimney" means a flue, conduit, or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

"Trade waste" means all waste solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste material.

(51.13) 7:27-2.2 OPEN BURNING FOR SALVAGE OPERATIONS

No person shall cause, suffer, allow or permit a salvage operation by open burning.

(51.13) 7:27-2.3 OPEN BURNING OF REFUSE

(a) No person shall cause, suffer, allow or permit the disposal of rubbish, garbage or trade waste or buildings or structures by open burning.

(b) No person shall cause, suffer, allow or permit the disposal of fallen leaves by open burning.

(c) No person shall cause, suffer, allow or permit the disposal of any type of plant life by open burning.

(2.0) 7:27-2.4 EXCEPTIONS

The provisions of Section 2.3 shall not apply to open burning of refuse for training or research exercises in fire protection or prevention when conducted at a permanent facility or training center designed to be used solely for such purposes on a continuing basis.

(2.0) 7:27-2.5 INFESTED PLANT LIFE

(a) The Department may issue a permit for open burning of infested plant life, except in any municipality which prohibits such open burning, to a person responsible for the control of infested plant life upon certification by an authorized County Agricultural Agent that no other effective method of controlling the infestation can be used without causing damage, economic or otherwise, to environmental or natural resources.

(b) Applications may be made to the Bureau of Forestry, Forest Fire Service, in the Department for a permit for the open burning of infested plant life.

(c) Such permit may be valid for a single event or for a period not to exceed fourteen days, may be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department.

(d) No open burning shall commence until a permit is issued and is current. Any person seeking a permit for the open burning of infested plant life shall file with the Department an affidavit, signed by both the applicant and the County Agricultural Agent, which sets forth the following and any other information requested by the Department:

1. The name, address, and telephone number of the person submitting the affidavit; if such person is a legal entity, the name, title, and address of the individual authorized to accept service or process on its behalf and the name of the officer in charge of the premises where infested plant life is to be burned.

2. The type of business or activity involved.

3. Municipal restrictions on open burning of plant life.

4. The proposed operating practice including the type and quantity of infested plant life to be burned.

5. Whether the open burning is to be carried on in a single instance or the frequency if intermittent.

6. The exact location at which the infested plant life will be burned.

7. Reasons why the infestation cannot be controlled by any method other than by open burning without causing damage, economic or otherwise, to environmental or natural resources.

(51.13) 7:27-2.6 PRESCRIBED BURNING

(a) The Department may issue a permit authorizing prescribed burning in accordance with a plan approved by and under the control and supervision of the Bureau of Foresty, Forest Fire Service.

(b) The permit may be conditioned upon any requirements which the Bureau of Forestry, Forest Fire Service, deems to be necessary and is revocable at the discretion of the Department.

(c) The permit may be issued for a single event or for a period of days, and no prescribed burning shall commence until a permit is issued and current.

(d) Any person seeking a permit for prescribed burning shall file with the Bureau of Forestry, Forest Fire Service, an affidavit which sets forth the following and any other information requested by the Bureau of Forestry, Forest Fire Service:

1. The name, address, and telephone number of the person submitting the affidavit; if such person is a legal entity, the name, title, and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the prescribed burning is to take place.

2. The name and address of the owner of the premises where the prescribed burning is to take place.

3. The exact location at which the prescribed burning is to take place.

4. A detailed plan describing the specific reasons why the prescribed burning is necessary and how it is to be done.

(8.0) 7:27-2.7 EMERGENCIES

(a) The Department may issue a permit to a municipality for the open burning of plant life upon a finding of merit in an affidavit filed with the Department by the municipal clerk that excessive quantities of plant wastes have been produced by an emergency such as a wind storm or ice storm.

(b) The permit may be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department.

(c) The permit may be issued for a single event or for a period not to exceed seven days, and no open burning of plant life shall commence until a permit is issued and current.

(d) The affidavit shall set forth the following and any other information requested by the Department:

1. The name, address and telephone number of the municipal clerk submitting the affidavit.

2. The name of the authorized municipal representative in charge of the premises where the plant life is to be burned.

3. The proposed operating practice including the type and quantity of plant life to be burned.

4. Whether the open burning is to be carried on in a single instance or the frequency if intermittent.

5. The exact location(s) at which the plant life is to be burned.

6. Reasons why the plant life cannot be disposed of by any method other than by open burning.

(11.0) 7:27-2.8 HAZARDOUS MATERIAL

(a) The Department may issue a permit for the open burning of hazardous material, except in any municipality which prohibits such open burning, where no other known method of disposal can be used without hazard to health or property, upon a finding of merit in an affidavit filed with the Department by the person seeking to engage in such activity.

(b) The permit may be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department.

(c) The permit may be issued for a single event, or for a period not to exceed six months, and no disposal of hazardous materials by open burning shall commence until a permit is issued and is current.

(d) The affidavit shall set forth the following and any other information requested by the Department:

1. The name, address, and telephone number of the person submitting the affidavit; if such person is a legal entity, and name title, and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the hazardous material is to be burned.

2. The type of business or activity involved.

3. Municipal restrictions on open burning of hazardous material.

4. The proposed operating practice including the type and quantity of hazardous material to be disposed of by open burning.

5. Whether the open burning is to be carried on in a single instance or the frequency if intermittent.

6. The exact location at which the hazardous material will be disposed of by open burning.

7. Reasons why the hazardous material cannot be disposed of by any method other than by open burning without resulting in a hazard to health or property.

(2.0) 7:27-2.9 HERBACEOUS PLANT LIFE

(a) The Department may issue a permit for the open burning of herbaceous plant life on the premises where grown, except in any municipality which prohibits such burning, when the premises are actively in use for raising food crops or salt hay for commercial purposes and on a commercial scale and where no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.

(b) The permit will be issued only in accordance with a plan approved by and under the control and supervision of the Bureau of Forestry, Forest Fire Service.

(c) The permit will be conditioned upon the confirmation of favorable meteorological conditions on the day the open burning will be conducted.

(d) The permit may also be conditioned upon any requirements which the Deparment deems to be necessary and is revocable at the discretion of the Department.

(e) The permit may be issued for a single event, or for a period not exceeding fourteen days, and no open burning shall commence until a permit is issued and current.

(f) Any person seeking a permit for the open burning of herbaceous plant life shall file with the Bureau of Forestry, Forest Fire Service, an affidavit which sets forth the following and any other information requested by the Department.

1. The name, address, and telephone number of the person submitting the affidavit; if such person is a legal entity, the name, title, and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the open burning is to take place.

2. The name and address of the owner of the premises where the open burning is to take place.

3. Municipal restrictions on open burning.

4. The exact location of the premises on which the herbaceous plant life will be burned.

5. The nature of the business or activity involved and the use being made of the premises.

6. A detailed plan describing the nature and quantity of herbaceous plant life and how the open burning is to be done, including whether it is to take place in a single instance or the frequency of intermittent.

7. Reasons why no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.

(51.1) 7:27-2.10 ORCHARD PRUNINGS

(a) The Department may issue a permit for the open burning of orchard prunings on the premises where grown, until June 30, 1977, and except in any municipality which prohibits such burning, when such prunings are derived from trees being cultivated for commerical purposes to produce food crops or as ornamentals and where no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.

(b) The permit will be issued only in accordance with a plan approved by and under the control and supervision of the Bureau of Forestry, Forest Fire Service.

(c) The permit will be conditioned upon the confirmation of favorable meteorological conditions on the day the open burning will be conducted.

(d) The permit may also be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department.

(e) The permit may be issued for a single event or for a period not exceeding fourteen days, and no open burning shall commence until a permit is issued and current.

(f) Any person seeking a permit for the open burning of orchard prunings shall file with the Bureau of Forestry, Forest Fire Service, an affidavit which sets forth the following and any other information requested by the Department.

1. The name, address, and telephone number of the person submitting the affidavit; if such person is a legal entity, the name, title, and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the open burning is to take place.

2. The name and address of the owner of the premises where the open burning is to take place.

3. Municipal restrictions on open burning.

4. The exact location of the premises on which the orchard prunings will be burned.

5. The nature of the business or activity involved and the use being made of the premises.

6. A detailed plan describing the nature and quantity of orchard prunings and how the open burning is to be done, including whether it is to take place in a single instance, or the frequency if intermittent.

7. Reasons why no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.

(2.0) 7:27-2.11 FEES

(a) Any application for a permit for the open burning of herbaceous plant life as provided in Section 2.9 shall be accompanied by a service fee of $10.00 and no such permit will be issued until the service fee is received.

(b) Any application for a permit for the open burning of orchard prunings as provided in Section 2.10 shall be accompanied by a service fee of $10.00 and no such permit will be issued until the service fee is received.

(c) Service fees shall be submitted in the form of a certified check or postal money order payable to the order of the New Jersey Bureau of Air Pollution Control.

(50.1.2) Subchapter 3 - CONTROL AND PROHIBITION OF SMOKE FROM COMBUSTION
(51.5) OF FUEL

(1.0) 7:27-3.1 - DEFINITIONS

SMOKE: Small gasborne and airborne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

FUEL: Solid, liquid or gaseous materials used to produce useful heat by burning.

INDIRECT HEAT EXCHANGER: Equipment in which heat from the combustion of fuel is transferred by conduction through a heat-conducting material to a substance being heated, so that the latter is not contacted by, and adds nothing to, the products of combustion.

VISIBLE SMOKE: Smoke which obscures light to a degree readily discernible by visual observation.

STACK OR CHIMNEY: A flue, conduit or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

INTERNAL CROSS-SECTIONAL DIMENSION: Any maximum linear perpendicual distance from an inside wall of a stack or chimney to the inside of an opposite wall, such as the diameter of a circular cross-section or the length or width of a rectangular cross-section.

RINGELMANN SMOKE CHART: The Ringelmann's Scale for Grading the Density of Smoke as published by the U.S. Bureau of Mines or any chart, recorder, indicator or device which is approved by the department as the equivalent of said Ringelmann's Scale for the measurement of smoke density.

DEPARTMENT: The Department of Environmental Protection.

OPACITY: The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as the percentage to which the light is obstructed.

MARINE INSTALLATION: Equipment for propulsion, power or heating on all types of marine craft and floating equipment.

MOBILE SOURCE: Equipment designed or constructed to be portable or movable from one location to another including but not limited to aircraft, locomotives operating on rails, tractors, earth moving equipment, hoists and mobile power generators.

DIRECT HEAT EXCHANGER: Equipment in which heat from the combustion of fuel is transferred to a substance being heated so that the latter is contacted by the products of combustion and may contribute to the total effluent.

MANUFACTURING PROCESS: Any action, operation or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers or absorbers.

MOTOR VEHICLE: Any vehicle propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

(50.1.2) 7:27-3.2 - Smoke Emissions from Stationary Indirect Heat Exchangers

(a) No person shall cause, suffer, allow or permit visible smoke to be emitted into the outdoor air from the combustion of fuel in any stationary indirect heat exchanger having a rated hourly capacity of less than 200 million BTU gross heat input or discharging through a stack or chimney having an internal cross-sectional dimension of less than 60 inches.

(b) No person shall cause, suffer, allow or permit smoke the shade or appearance of which is darker than Number 1 on the Ringelmann Smoke Chart or greater than 20 percent opacity, exclusive of water vapor, to be emitted into the outdoor air from the combustion of fuel in any stationary indirect heat exchanger having a rated hourly capacity of 200 million BTU or greater gross heat input or discharging through a stack or chimney having all internal cross-sectional dimensions of 60 inches or greater.

(c) The provisions of Section 2.1 and 2.2 shall not apply to smoke which is visible for a period of not longer than three minutes in any consecutive 30 minute period.

(50.1.2) 7:27-3.3 - Smoke Emissions from Marine Installations

(a) No person shall cause, suffer, allow or permit smoke the shade or appearance of which is darker than Number 1 on the Ringelmann Smoke Chart or greater than 20 percent opacity, exclusive of water vapor, to be emitted into the outdoor air from the combustion of fuel in the indirect heat exchanger of any marine installation.

(b) The provisions of Section 3.1 shall not apply to smoke which is visible for a period of not longer than three minutes in any consecutive 30 minute period.

(50.1.2) (12.0) 7:27-3.4 - Smoke Emissions from the Combustion of Fuel in Mobile Sources

No person shall cause, suffer, allow or permit smoke the shade or appearance of which is darker than Number 2 on the Ringelmann Smoke Chart or greater than 40 percent opacity, exclusive of water vapor, to be emitted into the outdoor air from the combustion of fuel in any mobile source for a period of more than 10 consecutive seconds.

(50.1.2) 7:27-3.5 - Smoke Emissions from Stationary Internal Combustion Engines and Stationary Turbine Engines

No person shall cause, suffer, allow or permit smoke the shade or appearance of which is darker than Number 1 on the Ringelmann Smoke Chart or greater than 20% opacity, exclusive of water vapor, to be emitted into the outdoor air from the combustion of fuel in any stationary internal combustion engine or any stationary turbine engine for a period of more than 10 consecutive seconds.

(9.0) 7:27-3.6 - Stack Test

Any person responsible for the construction, installation, alteration or use of an indirect heat exchanger shall, when requested by the Department, provide the facilities and necessary equipment for determining the density or opacity of smoke being discharged into the open air and shall conduct such smoke tests using methods approved by the Department. All smoke test data shall be recorded in a permanent log at such time intervals as specified by the Department. The data shall be maintained for a period of not less than one year and shall be available for review by the Department.

(2.0) 7:27-3.7 - Exceptions

The provisions of this chapter shall not apply to direct heat exchangers, manufacturing processes or any motor vehicle while operating upon the public highways.

(51.5) Subchapter 4 - CONTROL AND PROHIBITION OF SOLID PARTICLES FROM COMBUSTION OF FUEL

(1.0) 7:27-4.1 - DEFINITIONS

SOLID PARTICLES: Particles of rigid shape and definite volume.

PARTICLES: Any material, except uncombined water, which exists in a finely divided form as liquid particles or solid particles at standard conditions.

LIQUID PARTICLES: Particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

STANDARD CONDITIONS: Shall be 70^{0} F. and one atmosphere pressure (14.7 psia or 760 mm Hg).

DEPARTMENT: The Department of Environmental Protection.

FUEL: Solid, liquid or gaseous materials used to produce useful heat by burning.

STACK OR CHIMNEY: A flue, conduit or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

AIR CONTAMINANT: Solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

MAXIMUM ALLOWABLE EMISSION RATE: The maximum amount of an air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

HEAT INPUT RATE: The rate at which the aggregate heat content based on the higher heating value of the fuel is introduced into the fuel burning equipment.

PERFORMANCE TEST PRINCIPLE: A concept of measurement as required for determining compliance with a specific standard for the emission of air contaminants.

ISOKINETIC: A method for sampling air contaminants from the gas stream in a stack or chimney in such a manner that the gas stream enters a sampling probe in the same direction and at the same velocity as the gas stream in a stack or chimney.

SAMPLING TRAIN: A combination of entrapment devices, instruments, and auxiliary apparatus arranged in a prescribed sequence to selectively separate and collect samples of specified air contaminants.

EQUIPMENT: Any device capable of causing the emission of an air contaminant into the open air and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by the manufacturing process.

MANUFACTURING PROCESS: Any action, operation or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers or absorbers.

CONTROL APPARATUS: Any device which prevents or controls the emission of any air contaminant.

MARINE INSTALLATION: Equipment for propulsion, power or heating on all types of marine craft and floating equipment.

(50.1) 7:27-4.2 - STANDARDS FOR THE EMISSION OF PARTICLES

No person shall cause, suffer, allow or permit solid particles arising from the combustion of fuel to be emitted from any stack or chimney into the outdoor air in excess of the maximum allowable emission rate as determined from Table 1. For a heat input rate between any two consecutive heat input rates stated in Table 1, the maximum allowable emission rate shall be as determined by interpolation.

HEAT INPUT RATE (Millions of British Thermal Units per Hour)	MAXIMUM ALLOWABLE EMISSION RATE (Pounds per Hour)	HEAT INPUT RATE (Millions of British Thermal Units per Hour)	MAXIMUM ALLOWABLE EMISSION RATE (Pounds per Hour)
1	0.6	200	20
10	6	400	40
20	8	600	60
30	9	800	80
40	10	1,000	100
50	11	2,000	200
60	12	3,000	300
70	13	4,000	400
80	14	5,000	500
90	14.5	6,000	600

HEAT INPUT RATE (Millions of British Thermal Units per Hour)	MAXIMUM ALLOWABLE EMISSION RATE (Pounds per Hour)	HEAT INPUT RATE (Millions of British Thermal Units per Hour)	MAXIMUM ALLOWABLE EMISSION RATE (Pounds per Hour)
100	15	7,000	700
120	16.5	8,000	800
140	17.5	10,000	1,000
160	18.5		
180	19.3		

NOTE: Heat input rate shall be the sum of the heat input rates of all fuel burning equipment discharging through a single stack or chimney.

(9.0) 7:27-4.3 - PERFORMANCE TEST PRINCIPLE

For purposes of measuring emissions in accordance with the provisions of this chapter, solid particles shall be drawn by isokinetic procedures from the stack or chimney and the weight of the solid particles determined gravimetrically after removal of uncombined water. The measured emission weight shall be the combined weight of all solid particles collected from the gas stream. The specifications for the sampling train and sample procedures shall be as published by the Department or approved equivalent.

(9.0) 7:27-4.4 - EMISSION TESTS

Any person responsible for the emission of solid particles arising from the combustion of fuel shall, when requested by the Department, provide such sampling facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the rate at which the particles are or may be discharged from the fuel burning operation. During such testing by the Department, the fuel burning operation shall be operated under normal, routine operating conditions or under such other conditions within the capacity of the equipment as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

(3.0) 7:27-4.5 - PERMIT TO CONSTRUCT, INSTALL OR ALTER AND CERTIFICATE TO OPERATE

(a) No person shall construct or install any new fuel burning equipment, or any new control apparatus, or alter any existing fuel burning equipment, or any control apparatus without first having

obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" from the Department, in accordance with the provisions of Chapter 9 of the New Jersey Air Pollution Control Code.

(b) No person shall use or cause to be used any new or altered fuel burning equipment, or any new or altered control apparatus without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department, in accordance with Chapter 9 of the New Jersey Air Pollution Control Code.

(c) No person shall use or cause to be used any fuel burning equipment unless all components connected, or attached to, or serving the equipment, including control apparatus, are functioning properly and are in use, in accordance with the Permit to Construct and the Certificate to Operate.

(2.0) 7:27-4.6 - EXCEPTIONS

The provisions of this Chapter shall not apply:

1. when the heat input rate to the fuel burning equipment is less than 1,000,000 British Thermal Units per hour;
2. to marine installations, vehicles or other movable or portable equipment.

(2.0) Subchapter 5 - PROHIBITION OF AIR POLLUTION

(1.0) 7:27-5.1 - DEFINITIONS

(2.0) 7:27-5.2 - Prohibition of Air Pollution

(a) No person shall cause, suffer, allow or permit to be emitted into the outdoor atmosphere substances in quantities which shall result in air pollution.

(b) The provisions of subsection (a) shall not apply to:

1. any condition or occurrence which is subject to the provisions of existing or future code chapters promulgated by the Commission
2. the use of economic poisons.

(50.1.1) Subchapter 6 - CONTROL AND PROHIBITION OF PARTICLES FROM MANUFACTURING PROCESSES

(1.0) 7:27-6.1 - DEFINITIONS

PARTICLES: Any material, except uncombined water, which exists in finely divided form as liquid particles or solid particles at standard conditions.

LIQUID PARTICLES: Particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

SOLID PARTICLES: Particles of rigid shape and definite volume.

STANDARD CONDITIONS: Shall be 70° F. and one atmosphere pressure (14.7 psia or 760 mm Hg).

DEPARTMENT: The Department of Environmental Protection.

MANUFACTURING PROCESS: Any action, operation or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers or absorbers.

PERFORMANCE TEST PRINCIPLE: A concept of measurement as required for determining compliance with a specific standard for the emission of air contaminants.

AIR CONTAMINANT: Solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

SOURCE OPERATION: Any manufacturing process or any identifiable part thereof emitting an air contaminant into the outdoor atmosphere through one or more stacks or chimneys.

STACK OR CHIMNEY: A flue, conduit or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

MAXIMUM ALLOWABLE EMISSION RATE: The maximum amount of an air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

OPACITY: The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as the percentage to which the light is obstructed.

ISOKINETIC: A method for sampling air contaminants from the gas stream in a stack or chimney in such a manner that the gas stream enters a sampling probe in the same direction and at the same velocity as the gas stream in a stack or chimney.

SAMPLING TRAIN: A combination of entrapment devices, instruments, and auxiliary apparatus arranged in a prescribed sequence to selectively separate and collect samples of specified air contaminants.

INDIRECT HEAT EXCHANGER: Equipment in which heat from the combustion of fuel is transferred by conduction through a heat-conducting material to a substance being heated, so that the latter is not contacted by, and adds nothing to, the products of combustion.

EQUIPMENT: Any device capable of causing the emission of an air contaminant into the open air, and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by the manufacturing process.

FUEL: Solid, liquid or gaseous materials used to produce useful heat by burning.

INCINERATOR: Any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance including, but not limited to, refuse, rubbish, garbage, trade waste, debris or scrap or a facility for cremating human or animal remains.

REFUSE: Rubbish, garbage, trade waste and plant life.

CONTROL APPARATUS: Any device which prevents or controls the emission of any air contaminant.

POTENTIAL EMISSION RATE: The mass rate of air contaminants emitted or to be emitted through a stack or chimney into the outdoor air exclusive of any type of control apparatus.

SOURCE GAS: Air or gases passed through or generated by a source operation and discharged from the source operation.

DILUTION GAS: Air or gas from any source whatsoever added to the source gas emitted from a source operation.

(50.1) 7:27-6.2 - STANDARDS FOR THE EMISSION OF PARTICLES

(a) No person shall cause, suffer, allow or permit particles as measured by the performance test principle set forth in Section 3 to be emitted from any source operation through any stack or chimney into the outdoor air in excess of the maximum allowable emission rate as determined from Table 1 below.

TABLE 1

MAXIMUM ALLOWABLE EMISSION RATE FOR PARTICLES

1	2	3	4
POTENTIAL EMISSION RATE FROM SOURCE OPERATION (lbs. per hr.)	ALLOWABLE EMISSION RATE (lbs. per hr.) (Based on 99% efficiency of collection)	SOURCE GAS EMITTED FROM SOURCE OPER. (Standard cu. ft. per min.)	ALLOWABLE EMISSION RATE (lbs. per hr.) (Based on 0.02 gains per SCF)
50 or less	0.5	3,000 or less	0.5
100	1.0	6,000	1.0
1000	10.0	35,000	6.0
2000	20.0	70,000	12.0
3000 or greater	30.0	140,000	24.0
		175,000 or greater	30.0

INSTRUCTIONS

1. From columns 1 and 2 above, determine the allowable emission rate based upon the potential emission rate of solid particles from the source operation.

2. For columns 3 and 4 above, determine the allowable emission rate based upon the source gas emitted from the source operation. Whenever dilution gas is, for any purpose, added to the source gas from a source operation, the source gas emitted shall be considered to be the gas discharge rate prior to such dilution.

3. The greater of the two emission rates as determined from a or b above shall be the maximum allowable emission rate. For rates between any two consecutive values stated in columns 1 and 3, the corresponding allowable emission rates shall be as determined by interpolation.

(b) No person shall cuase, suffer, allow or permit particles to be emitted from any stack or chimney into the outdoor air the shade or appearance of which is greater than 20% opacity, exclusive of water vapor.

(c) The provisions of subsection (b) shall not apply to particles the shade or appearance of which is greater than 20% opacity, exclusive of water vapor, for a period of not longer than three minutes in any consecutive 30 minute period.

(9.0) 7:27-6.3 - PERFORMANCE TEST PRINCIPLE

For purposes of measuring emissions in accordance with the provisions of Subsection (a) of this chapter, particles shall be drawn by isokinetic procedures from the stack or chimney and the weight of the particles determined gravimetrically after removal of uncombined water. The measured emission weight shall be the combined weight of all particles collected in the sampling train, including any liquid particles which have the form of a solid particle at standard conditions. The procedures shall be as published by the Department or approved equivalent.

(9.0) 7:27-6.4 - EMISSION TESTS

(a) Any person responsible for the emission of particles from a source operation shall, when requested by the Department, provide the facilities and necessary equipment for determining the opacity of emissions being discharged through a stack or chimney and shall conduct such opacity tests using methods approved by the Department. Opacity test data shall be recorded in a permanent log at such time intervals as specified by the Department and shall be maintained for a period of not less than one year and shall be available for review by the Department.

(b) Any person responsible for the emission of particles from a source operation shall, upon request of the Department, provide such sampling facilities and testing facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the nature and quantity of particles being emitted from the source operation. During such testing by the Department, the source operation shall be operated under normal, routine operating conditions or under such other conditions within the capacity of the source operation as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and requlations concerning safe construction and safe practice.

(5.0) 7:27-6.5 - VARIANCES

(a) Whenever a person responsible for the emission of particles from a source operation believes that advances in the art of control for the kind and amount of particles emitted has not developed to a degree which would enable the requirements of Section 2 of this chapter to be attained, he may apply to the Department for a variance setting forth his reasons and justifications. The Department may issue a variance from Subsection (a) and/or (b) and such variance shall be valid for a period not to exceed five years from the date of issuance and may be renewed upon application to the Department setting forth reasons and justifications for its continuation. Variances issued under the provisions of this section shall be conditional on the compliance with any requirements which the Department deems to be necessary.

(b) Any person aggrieved by the denial or the prescribed conditions by the Department of a variance authorized by this section may, upon application made within 15 days after notice thereof, be entitled to a hearing before the Department upon at least 15 days written notice. Within 30 days after such hearing the Department shall issue a notice amending, affirming or rescinding its previous action.

(3.0) 7:27-6.6 - PERMIT TO CONSTRUCT AND CERTIFICATE TO OPERATE

(a) No person shall construct or install any new equipment or any new control apparatus, or alter any existing equipment or control apparatus from which particles are emitted through any stack or chimney into the outdoor air without first having obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" from the Department, in accordance with the provisions of Subchapter 8 of the New Jersey Air Pollution Control Code.

(b) No person shall use or cause to be used any new or altered equipment, or any new or altered control apparatus from which particles are emitted through any stack or chimney into outdoor air without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department, in accordance with Subchapter 8 of the New Jersey Air Pollution Control Code.

(c) No person shall use or cause to be used any equipment from which particles are emitted through any stack or chimney into the air unless all components connected, or attached to, or serving the equipment, including control apparatus, are functioning properly and are in use, in accordance with the Permit to Construct, Install or Alter and the Certificate to Operate.

(2.0) 7:27-6.7 - EXCEPTIONS

The provisions of this chapter shall not apply:

1. to indirect heat exchangers

2. to incinerators

3. for a period of five years from the date of issuance of a valid permanent Certificate to Operate to a source operation equipped with control apparatus for which a valid Permit to Construct, Install or Alter or the permanent Certificate to Operate was issued by the Department during the period June 15, 1967 to the effective date of this chapter.

(50.2) Subchapter 7 - SULFUR

(1.0) 7:27-7.1 - DEFINITIONS

The following words and terms used in this Subchapter shall have the following meanings, unless the context clearly indicates otherwise.

"Adjusted stack height" means the stack height modified by either a stack height adjustment factor or a stack height adjustment in feet.

"Allowable emission" means the emission in any 60 minute period expressed in pounds computed as set forth in Section 7.2(q)(Control and prohibition of air pollution from sulfur compounds) of this Chapter.

"Commercial fuel" means solid, liquid or gaseous fuels normally produced, manufactured, used or sold for the purpose of creating useful heat.

"Commissioner" means the State Commissioner of Health who is the chief administrative officer of the State Department of Health.

"Gases" means formless fluids which, under standard conditions, occupy the space of enclosure and which can be changed to the liquid of solid state only by the combined effect of increased pressure and decreased temperature.

"Liquid particles" means particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

"Source operation" means any process or any identifiable part thereof emitting air contaminants into the outdoor atmosphere through one or more stacks or chimneys. For purposes of this definition identical processes shall be considered as separate source operations.

"Stack exit velocity" means the linear velocity in feet per second at which gases enter the outdoor atmosphere from a stack or chimney.

"Stack height" means the vertical distance measured in feet between the point of discharge from the stack or chimney into the outdoor atmosphere and the elevation of the land thereunder.

"Stack or chimney" means a flue, conduit or opening permitting particulate or gaseous emissions into the open air, or constructed or arranged for such purpose.

"Standard conditions" means 70° F and one atmosphere pressure (11.7 psia or 760 mm Hg).

"Sulfur compounds" means all inorganic or organic chemicals having an atom or atoms of sulfur in their chemical structure.

"Sulfur dioxide (SO_2)" means a colorless gas at standard conditions having the molecular formula SO_2.

"Sulfuric acid (H_2SO_4)" means a heavy, corrosive, oily, colorless dibasic, strong acid having the molecular formula H_2SO_4.

"Sulfuric trioxide (SO_3)" means a compound which has the molecular formula SO_3.

"Vapors" means the gaseous form of substances which under standard conditions, are in the solid or liquid state and which can be changed to these states by either increasing the pressure or decreasing the temperature.

(50.2) 7:27-7.2 - CONTROL AND PROHIBITION OF AIR POLLUTION FROM SULFUR COMPOUNDS

(a) No person shall cause, suffer, allow or permit sulfur compounds in the form of gases, vapors, or liquid particles to be discharged from any stack or chimney into the outdoor atmosphere except as provided in this Section.

(b) Whenever the discharge from a stack or chimney includes SO_2:

1. The concentration of SO_2 in the gases being discharged shall not exceed 2,000 ppm by volume at standard conditions except that for a period of two years following the effective date of this Subchapter, the concentration of SO_2 in the gas being discharged shall not exceed 3,000 ppm by volume at standard conditions.

2. The quantity of SO_2 which is discharged through any stack or chimney into the outdoor atmosphere in any 60-minute period shall not exceed the allowable emission as set forth in subsection (q) of this Section, and at any instant the maximum rate of emission expressed in pounds per hour shall not exceed twice the allowable emission.

(c) The provisions of subsection (b)1 of this Section shall not apply to the discharge from:

1. Any stack or chimney whenever the total volume of gases discharged does not exceed 3,000 cubic feet per minute at standard conditions, and the quantity of SO_2 discharged in any 60-minute period does not exceed 50 pounds, and at any instant the maximum rate of emission of SO_2 does not exceed 100 pounds per hour.

2. Sulfur recovery plants which are engaged in recovering elemental sulfur from hydrogen sulfide. For such plants the concentration of SO_2 in the gases being discharged from a stack or chimney shall not exceed 15,000 ppm by volume at standard conditions.

(d) Any person responsible for the discharge of SO_2 through a stack or chimney into the outdoor atmosphere shall provide the facilities and necessary equipment and shall conduct stack tests using methods approved by the Department. Such tests shall include a determination of the SO_2 concentration, the total gas volume being discharged, and the gas temperature and pressure at the sampling point in the stack or chimney, and the data shall be recorded in a permanent log at least once each hour. The data shall be maintained for a period of not less than one year and shall be available for review by the Department.

(e) Whenever the person responsible for the discharge of SO_2 can present data to the Department showing that his emissions are well under the allowable emissions or that his process produces predictable concentrations and emission rates, he may apply to the Department for a waiver or modification of the stack testing requirement. For the purpose of this subsection, existing data may be offered as substantiating evidence for such waiver or modification. If a waiver or modification is approved by the Department, the Department shall notify the person of such approval in writing.

(f) The provisions of subsection (d) of this Section shall not apply whenever the total volume of gases discharged from a stack or chimney is less than 1,000 cubic feet per minute at standard conditions.

(g) Whenever the discharge from a stack or chimney includes SO_3 and H_2SO_4:

1. The combined concentration of SO_3 H_2SO_4 in the gases being discharged, when covered and expressed as H_2SO_4 shall not exceed 10 milligrams per cubic foot at standard conditions; and

2. The combined quantity of SO_3 and H_2SO_4 discharged in any 60-minute period, when coverted and expressed as H_2SO_4, shall not exceed the allowable emission as set forth in subsection (g) of this Section and at any instant the maximum rate of emission expressed in pounds per hour shall not exceed twice the allowable emission.

(h) Any person responsible for the discharge of SO_3 and H_2SO_4 through a stack or chimney into the outdoor atmosphere shall, when requested by the Department, provide the facilities and necessary equipment for determining the combined quantity of SO_3 and H_2SO_4 being discharged from the stack or chimney and shall conduct stack tests using methods approved by the Department. Such tests may include a determination of the SO_3 and H_2SO_4 concentrations, the total gas volume being discharged, and the gas temperature and pressure at the sampling point in the stack or chimney, and the data shall be recorded in a permanent log at such time intervals as specified by the Department. The data shall be maintained for a period of not less than one year and shall be available for review by the Department.

(i) Whenever the discharge from a stack or chimney includes sulfur compounds in the form of gases, vapors, or liquid particles other than SO_2, SO_3 and H_2SO_4, the total quantity of sulfur in these sulfur compounds which is discharged in any 60-minute period shall not exceed the allowable emission as set forth in subsection (q) of this Section and the maximum rate of emission at any instant shall not exceed the allowable emission.

(j) Any person responsible for the discharge of sulfur compounds in the form of gases, vapors, or liquid particles other than SO_2, SO_3 and H_2SO_4, through a stack or chimney into the outdoor atmosphere shall, when requested by the Department, provide the facilities and necessary equipment for determining the combined quantity of such sulfur compounds being discharged from the stack or chimney and shall conduct stack tests using methods approved by the Department. Such tests may include a determination of the sulfur concentrations, the total gas volume being discharged, and the gas temperature and pressure at the sampling point in the stack or chimney and the data shall be reported in a permanent log at such intervals as specified by the Department. The data shall be maintained for a period of not less than one year and shall be available for review by the Department.

(k) The provisions of this Subchapter shall not apply to:

1. The discharge of sulfur compounds in the form of gases, vapors, or liquid particles resulting from the combustion of commercial fuel; or

2. The discharge from any stack or chimney having the sole function of relieving pressure of gas, vapor, or liquid under abnormal emergency conditions.

(l) Where combustible sulfur compounds are burned at or beyond the exit of a stack or chimney, the products of combustion shall be exempt from the concentration limits of subsection (b)1 of this Section.

(m) Whenever the person responsible for the discharge of a sulfur compound in the form of gases, vapors, or liquid particles other than SO_2, SO_3 and H_2SO_4, believes that such sulfur compound does not contribute to air pollution to the degree represented by the allowable emission, he may submit data to the Department setting forth reasons and justifications for a less restrictive allowable emission. If the change is approved by the Department, the Department shall, upon approval by the Commission, assign a revised allowable emission for such sulfur compound which shall be used for the purpose of this Subchapter.

(n) Any person responsible for the discharge of sulfur compounds in the form of gases, vapors, or liquid particles through a stack or chimney shall, upon request of the Department, provide in connection with such stack or chimney such sampling facilities and testing facilities, exclusive of instruments and sensing devices, as may be necessary for the Department to determine the quantity and concentration of such sulfur compounds which can or may be discharged through such stack or chimney. Such facilities may become permanent or temporary at the discretion of the person responsible for that decision, and such conform to all applicable laws and regulations concerning safe construction or safe practice.

(o) Whenever sulfur compounds in the form of gases, vapors, or liquid particles from one source operation are discharged through two or more stacks or chimneys, the total quantity that may be discharged from any one stack or chimney shall not exceed the allowable emission permitted for that stack or chimney, nor shall the total quantity that may be discharged from all the stacks exceed the allowable emission that would be permitted from the smoke stack or chimney having the greatest allowable emission.

(p) Any person responsible for a source operation which discharges sulfur compounds in the form of gases, vapors, or liquid particles through a stack or chimney and who in the process of starting up or shutting down such operation anticipates discharges in excess of those allowable under this Subchapter shall file an affidavit which the Commissioner stating the following:

1. The name, address and telephone number of the person submitting the affidavit; if such person is a legal entity, the name and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the source operation is located.

2. The type of business or activity involved;

3. The general nature of the source operation and the proposed operating practice;

4. Duration of the period for which emissions or concentrations in excess of the allowable emission or concentrations can be expected and magnitude of such emissions or concentrations;

5. Frequency of start-up and shut-down;

6. Reasons why excessive emissions or concentrations cannot be avoided during the start-up and shut-down period; and

7. The Department may, for reasons set forth in the affidavit, authorize a waiver of the discharge requirements of this Subchapter; provided however, that such waiver shall not apply to any period of operation other than that period set forth as process start-up and shut-down.

(q) The allowable emission for sulfur compounds in the form of gases, vapors, or liquid particles shall be computed as follows:

1. Establish the stack height;

2. Establish the stack exit velocity in feet per second;

3. Establish the temperature in degress Fahrenheit at which the gases leave the stack;

4. The use of Tables I and II shall be as follows:

i. If the stack height is less than 200 feet, determine "Stack Height Adjustment Factor" for Table I and multiply by stack height to determine "Adjusted Stack Height in Feet".

ii. If stack height is 200 feet or greater, determine "Stack Height Adjustment in Feet" form Table II and add this value to or subtract this value from the actual stack height to determine "Adjusted Stack Height in Feet".

iii. Intermediate values shall be determined by interpolation.

5. Locate the "Adjusted Stack Height" obtained from paragraph 4 of this subsection along the left side of chart titled "Allowable Emission for Sulfur Compounds". Draw a horizontal line across the chart to the point where this line intersects the line on the chart corresponding to the sulfur compound for which the allowable emission is to be determined.

6. Draw a vertical line from the point determined by paragraph 5 of this subsection to the "Allowable Emission in Pounds per Hour" scale along the bottom of the chart. The point at which this line intersects the scale yields the "Allowable Emission in Pounds per Hour" for that sulfur compound.

NOTE: The revised sulfur limitations as set forth in New Jersey Air Control subchapter 7:1-3.1 for bituminous coal in Class 1 and Class 2 counties are not approved at this time for the following power generating stations:

Company	Plant	City	Boiler Unit(s)
Public Service Electric & Gas	Essex	Newark	All
Do	Sewaren	Sewaren	Do
Do	Burlington	Burlington	1-1
Do	Kearney	Kearney	All
Do	Bergen	Bergen	No. 1.
Do	Hudson	Jersey City	Do
Jersey Central Power & Light.	Sayreville	Sayreville	All
Do	E.H. Werner.	South Amboy	Do
Atlantic City Electric	Deepwaters	Deepwaters	8/7, 7/0 3/6, 4/0

TABLE 1--STACK HEIGHT ADJUSTMENT FACTOR

STACK EXIT VELOCITY IN FT./SEC.	200°F or less	TEMPERATURE, DEGREES F., AT WHICH THE GASES LEAVE THE STACK							1000° or greater
		300°	400°	500°	600°	700°	800°	900°	
0	0.910	0.910	0.910	0.910	0.910	0.910	0.910	0.910	0.910
5	0.928	0.930	0.932	0.933	0.934	0.935	0.935	0.936	0.936
10	0.946	0.950	0.953	0.956	0.958	0.959	0.961	0.962	0.963
15	0.964	0.970	0.975	0.978	0.981	0.984	0.986	0.988	0.989
20	0.982	0.990	0.996	1.001	1.005	1.008	1.011	1.014	1.016
25	1.000	1.010	1.018	1.024	1.029	1.033	1.037	1.039	1.042
30	1.018	1.030	1.039	1.047	1.053	1.056	1.062	1.065	1.068
35	1.036	1.050	1.061	1.070	1.077	1.082	1.087	1.091	1.095
40	1.054	1.070	1.083	1.092	1.100	1.107	1.112	1.117	1.121
45	1.072	1.090	1.104	1.115	1.124	1.131	1.138	1.143	1.148
50 OR GREATER	1.090	1.110	1.126	1.138	1.148	1.156	1.163	1.169	1.174

TABLE II--STACK HEIGHT ADJUSTMENT IN FEET

STACK EXIT VELOCITY IN FT./SEC.	TEMPERATURE, DEGREES F., AT WHICH THE GASES LEAVE THE STACK								
	200^{0}F or less	300^{0}	400^{0}	500^{0}	600^{0}	700^{0}	800^{0}	900^{0}	1000^{0} or greater
0	-18.00	-18.00	-18.00	- 8.00	-18.00	-18.00	-18.00	-18.00	-18.00
5	-14.40	-13.99	-13.68	- 3.44	-13.24	-13.08	-12.94	-12.82	-12.72
10	-10.80	- 9.99	- 9.37	- 8.88	- 8.48	- 8.16	- 7.88	- 7.65	- 7.44
15	- 7.20	- 5.98	- 5.06	- 4.32	- 3.72	- 3.24	- 2.82	- 2.47	- 2.16
20	- 3.60	- 1.97	- 0.74	+ 0.24	+ 1.04	+ 1.68	+ 2.24	+ 2.70	+ 3.12
25	0.00	+ 2.03	+ 3.58	+ 4.80	+ 5.80	+ 6.60	+ 7.30	+ 7.88	+ 8.40
30	+ 3.60	+ 6.04	+ 7.89	+ 9.36	+10.56	+11.52	+12.36	+13.05	+13.68
35	+ 7.20	+10.05	+12.20	+13.92	+15.32	+16.44	+17.42	+18.22	+18.98
40	+10.80	+14.06	+16.52	+18.48	+20.08	+21.36	+22.48	+23.40	+24.24
45	+14.40	+18.06	+20.84	+23.04	+24.84	+26.28	+27.54	+28.58	+29.52
50 OR GREATER	+18.00	+22.07	+25.15	+27.60	+29.60	+31.20	+32.60	+33.75	+34.80

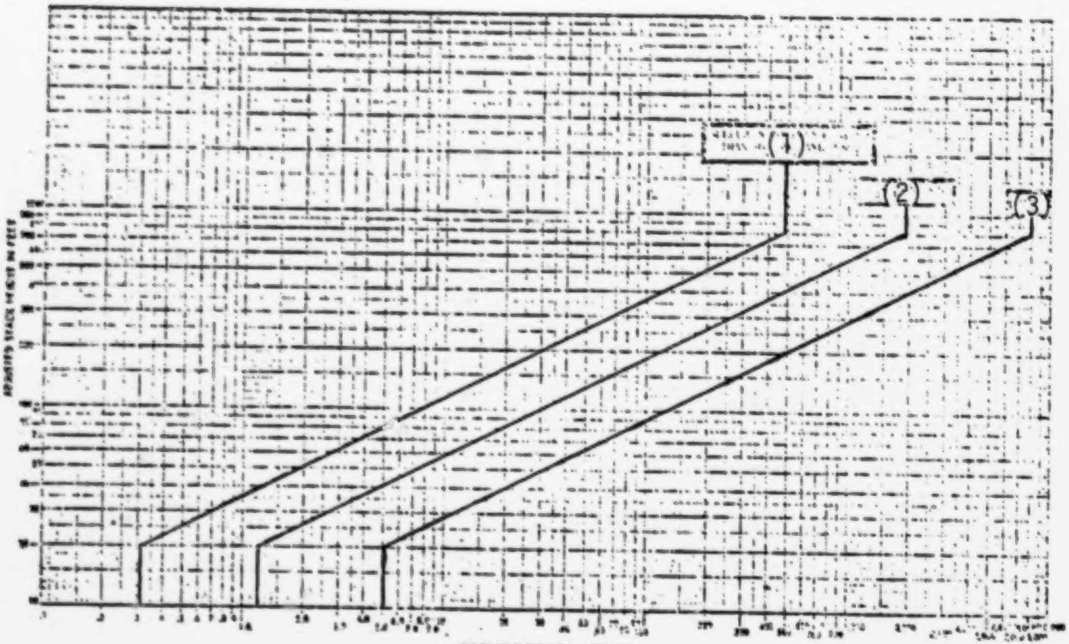
NOTE FOR TABLES I AND II EXTRAPOLATION BELOW 100^{0} F, OR ABOVE 1000^{0} F., OR ABOVE 50 FT. PER SEC., IS NOT PERMITTED.

ALLOWABLE EMISSION FOR SULFUR COMPOUNDS

(1) Sulfur In Compounds Other Than SO_2, SO_3, H_2SO_4

(2) H_2SO_4, SO_3

(3) SO_2



ALLOWABLE EMISSION FOR SULFUR COMPOUNDS

(3.0) Subchapter 8 - PERMITS AND CERTIFICATES

(1.0) 7:27-8.1 - DEFINITIONS

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Air Contaminant" means solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

"Alteration" means any change made to equipment or control apparatus or the use thereof, or in a process; including but not limited to any physical change, change in material being processed or a change in the rate of production except where such a production rate change does not increase the quantity of air contaminant emitted or does not change the quality or nature of the air contaminant emitted.

"Commerical fuel" means solid, liquid, or gaseous fuel normally produced, manufactured, used or sold for the purpose of creating useful heat.

"Control apparatus" means any device which prevents or controls the emission of any air contaminant.

"Department" means the Department of Environmental Protection.

"Equipment" means any device capable of causing the emission of an air contaminant into the open air, and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by the manufacturing process.

"Equivalent stack diameter" means the diameter of a circular cross section having the same area as the non-circular cross sections at the point of emission discharge.

"Incinerator" means any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance including but not limited to refuse, rubbish, garbage, trade waste, debris or scrap or a facility for cremating human or animal remains.

"Liquid particles" means particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

"Manufacturing process" means any action, operation or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers or absorbers.

"Non-commercial fuel" means solid, liquid or gaseous fuel not normally produced, manufactured, used or sold for the purpose of creating useful heat.

"Particles" means any material, except uncombined water, which exists as liquid particles or solid particles at standard conditions.

"Person" includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

"Solid fuel" means a fuel which is fired as a solid, such as anthracite or semianthracite coal, bituminous or sub-bituminous coal, lignite, coke breeze, wood or any solid by-porduct of a manufacturing process that may be substituted for any of the above specifically mentioned fuels.

"Solid particles" means particles of rigid shape and definite volume.

"Source operation" means any manufacturing process or any identifiable part thereof emitting an air contaminant into the outdoor atmosphere through one or more stacks or chimneys.

"Stack or chimney" means a flue, conduit or opening designed, constructed, and/or utilized or the purpose of emitting air contaminants into the outdoor air.

"Stack diameter" means the internal diameter of a circular stack at the point of emission discharge.

"Standard conditions" shall be 70° F., and one atmosphere pressure (14.7 psia or 760 mm Hg).

(3.0) 7:27-8.2 - PERMITS AND CERTIFICATES REQUIRED

(a) Control apparatus and equipment for which a permit to construct and a certificate to operate are required include:

1. All control apparatus:

2. Equipment used in a manufacturing process involving surface coating, including but not limited to spray and dip painting, roller

coating, electrostatic depositing or spray cleaning, which emits air contaminants into the open air and in which the quantity of material used in any source operation is in excess of 10 pounds in any one hour.

3. Equipment used in a manufacturing process involving surface cleaning or preparation, including but not limited to degreasing, etching, pickling, or plating, which emits air contaminants into the open air from a tank or vessel, the capacity of which is in excess of one hundred gallons;

4. Equipment, used in a manufacturing process, other than as set forth in subsections (a)2 and (a)3 of this Section, which emits air contaminants into the open air either directly or indirectly and in which the combined weight of all materials, excluding air and water, introduced into any one source operation is in excess of 50 pounds in any one hour;

5. Tanks, reservoirs, containers and bins used for the storage of:

i. Liquids, except water, including, but not limited to, acids, solvents, diluents or thinners, inks, colorants, lacquers, enamels, varnishes, liquid resins, gasolines, crude oils, petrochemicals, commercial fuels, non-commercial fuels and petroleum derivatives; and having a capacity in excess of 10,000 gallons;

ii. Solid particles including, but not limited to, binders, fillers, foodstuffs, detergents, fluxes, catalysts, mineral wools, resins, plastics, pigments, construction materials and solid fuels; and having a capacity in excess of 2,000 cubic feet;

6. Stationary material handling equipment using pneumatic, bucket or belt conveying systems which emit air contaminants into the open air either directly or indirectly;

7. Commercial fuel burning equipment having a heat input rate of 1,000,000 BTU per hour or greater to the burning chamber;

8. Any equipment used for the burning of non-commercial fuel, crude oil or process by-products in any form;

9. Any incinerator, except incinerators constrcuted, installed or used in one or two-family dwellings or in multi-occpied dwellings containing (6) six or less family units, one of which is owner occupied.

(2.0) 7:27-8.3 - General Provisions

(a) No person shall construct, install or alter any equipment or control apparatus without first having obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" for the Department. Such permits may be cancelled if construction, installation or alteration is not begun within one year from the date of issuance.

(b) No person shall use or cause to be used any new or altered equipment or control apparatus without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department. Such certificates shall be valid for a period of five years unless sooner revoked by the Department, and such certificates may be revewed only after application to the Department not less than 90 days prior to their expiration date.

(c) Upon receipt of an application for the issuance of a "Certificate to Operate Control Apparatus or Equipment" or any renewal thereof, the Department may issue a temporary certificate valid for a period not to exceed 90 days.

(d) Any person in possession of a "Certificate to Operate Control Apparatus of Equipment" shall maintain said certificate readily available on the operating premises.

(e) No person shall use or cause to be used any equipment or control apparatus unless:

1. All conditions and provisions of the "Permit to Construct, Install or Alter Control Apparatus or Equipment" and "Certificate to Operate Control Apparatus or Equipment" are fulfilled; and

2. All components connected or attached to, or serving the equipment and/or control apparatus are functioning properly and are in use in accordance with the "Permit to Construct, Install or Alter Control Apparatus or Equipment" and "Certificate to Operate Control Apparatus or Equipment".

(f) A "Certificate to Operate Control Apparatus or Equipment" shall not be transferable either from one location to another or from one piece of control apparatus or equipment to another. A transfer from one person to another is permissible provided such transfer is reported to the Department within 90 days of the occurrence.

(g) The possession of a "Certificate to Operate Control Apparatus or Equipment" does not relieve any person from the obligation to comply with all other provisions of this Chapter.

(h) Permits and certificates issued under this Subchapter are based on emissions of air contaminants only and do not in any way void the applicant's obligation to obtain necessary permits from other governmental agencies.

(i) The provisions of subsections (a) and (b) of this Section shall not apply to structural changes, repairs or maintenance, if such changes, or repairs or maintenance will not change the quality, nature or quantity of the air contaminant emitted.

(3.0) 7:27-8.4 - Applications for Permits and Certificates

(a) Applications for a "Permit to Construct, Install or Alter Control Apparatus or Equipment" or a "Certificate to Operate Control Apparatus or Equipment" shall be made to the Department on forms provided by the Department.

(b) The Department may require such details regarding the equipment or control apparatus as it considers necessary to determine that the equipment or control apparatus is designed to operate without causing a violation of any provisions of the New Jersey Air Pollution Control Act or any provisions of codes, rules or regulations promulgated thereunder and that the equipment or control apparatus incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the applicant's equipment. Such information may include description of processes, raw materials used, operating procedures, physical and chemical nature of air contaminants, volume of gas discharge and such other information as the Department considers necessary.

(c) Before a "Certificate to Operate Control Apparatus or Equipment" or any renewal thereof is issued, the Department may require the applicant to conduct such tests as are necessary in the opinion of the Department to determine the kind and/or amount of air contaminants emitted from the equipment or control apparatus. Such tests shall be conducted in a manner approved by the Department and shall be made at the expense of the applicant who shall give the Department no less than 48 hours advance notice of the time of the start of the test. The test results shall be reviewed and certified by the New Jersey licensed Professional Engineer, or by an Industrial Hygienist who has been certified by the American Board of Industrial Hygiene.

(d) Any person applying for a "Certificate to Operate Control Apparatus or Equipment" or a renewal thereof, or to whom such certificate has been issued shall, when requested by the Department, provide such sampling facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the kind and/or amount of air contaminants emitted from the equipment and/or control apparatus.

During such testing by the Department, the equipment and/or control apparatus shall be operated under such conditions within their capacities as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

(2.0) 7:27-8.5 - Service Fees

(a) Any person subject to the provisions of this Subchapter, except as noted in subsection 8.5 (g), shall submit with each application for a "Permit to Construct, Install or Alter Control Apparatus or Equipment", as an integral part thereof, a service fee in accordance with the following schedule:

$40.00 Base fee per "Permit to Construct, Install, or Alter Control Apparatus or Equipment" which fee shall also include the associated initial temporary "Certificate to Operate" and initial permanent "Certificate to Operate Control Apparatus or Equipment".

Plus

An Incremental Additional Service Fee to be drived from the Table shown below

INCREMENTAL ADDITIONAL SERVICE FEE

Stack Diameter or Equivalent Stack Diameter		Additional Fee	INSTRUCTIONS
1	2	3	
Not Less Than	But Less Than		1. Determine the stack diameter range or equivalent stack diameter range (feet). 2. From Columns 1 and 2, locate the applicable stack diameter range. 3. Add the additional service fee in the corresponding entry of Column 3 to the base fee.
--	5ft.	$ 0.00	
5	7	50.00	
7	9	100.00	
9	12	150.00	
12	15	250.00	
15	20	350.00	
20ft.	and Greater	450.00	

(b) Any person subject to the provisions of this Subchapter shall submit with an application for renewal for a permanent "Certificate to Operate Control Apparatus or Equipment", as an integral part thereof, a service fee of $20.00 for each such renewal.

(c) Any person applying for a transfer fo title from one person to another for a permanent or a temporary "Certificate to Operate Control Apparatus or Equipment" shall submit a service fee of $10.00 as an integral part of each group of such applications, regardless of the number of Certificates affected by such applications.

(d) Services fees shall be submitted in the form of a certified check or postal order payable to the order of the New Jersey Bureau of Air Pollution Control.

(e) No service fee(s) or portions thereof rendered in accordance with any provisions of this Subchapter shall be returnable except in the case of overpayment due to miscalculation of the required fee.

(f) No additional service fee(s) will be levied if the information on the first submittal is found deficient and the applicant is required to provide additional information provided the additional information does not affect the service fee established in subsection 8.5 (a).

(g) Any person submitting an application for a "Permit to Construct, Install or Alter Control Apparatus or Equipment" for any storage tank shall include, as an integral part thereof, a service fee of $10.00 provided that such an application is solely for the painting of said storage tank subject to the provisions of Subchapter 16 of this Chapter.

(51.6) Subchapter 9 - CONTROL AND PROHIBITION OF AIR POLLUTION FROM SULFUR DIOXIDE CAUSED BY THE COMBUSTION OF FUEL

(1.0) 7:27-9.1 - DEFINITIONS

The following terms as used in this Chapter shall mean and include:

COMMERCIAL FUEL: Liquid or gaseous fuel normally produced, manufactured, used or sold for the purpose of creating useful heat.

NON-COMMERCIAL FUEL: Liquid or gaseous fuel not normally produced, manufactured, used or sold for the purpose of creating useful heat.

FUEL OIL: A liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil.

VISCOSITY: The measure of a fluid's resistance to flow.

SSU VISCOSITY: The number of seconds it takes 60 cubic centimeters of an oil to flow through the standard orifice of a Saybolt Universal viscometer at 100° F.

SULFUR DIOXIDE (SO_2): A colorless gas at standard conditions which has the molecular formula SO_2.

STACK OR CHIMNEY: A flue, conduit or opening permitting particulate or gaseous emissions into the open air, or constructed or arranged for such purpose.

CARBON DIOXIDE (CO_2): A colorless, odorless gas at standard conditions which has the molecular formula CO_2.

FUEL MERCHANT: Any person who stores, offers for sale, or sells commercial fuel in retail or wholesale trade, excluding agents, brokers, wholesalers, distributors, or producers who sell commercial fuel for use in single steam and/or electric power generation facilities having rated hourly capacities that equal or exceed two hundred (200) million BTU gross input or in a group of steam and/or electric power generation facilities at one location having a combined rated capacity which equals or exceeds four hundred and fifty (450) million BTU gross heat input.

(50.2) 7:27-9.2 - COMMERCIAL FUEL OIL

On and after the effective date listed therein no fuel merchant shall store, offer for sale, sell, deliver for use or exchange in trade, for use in New Jersey, and no person shall use commercial fuel oils which contains sulfur in excess of the precentages by weight set forth in the following table:

Grades of Commercial Fuel Oil	Classification by SSU Viscosity at 100° F.	Percent Sulfur by Weight		
		Effective 5/1/68	Effective 10/1/70	Effective 10/1/71
No. 2 & lighter	Less than or equal to 45	0.3%	0.3%	0.2%
No. 4	Greater than 45 but less than 145	0.7%	0.4%	0.3%
No. 5, No. 6 & heavier	Equal to or greater than 145	1.0%	0.5%	0.3%

The provisions of Section 9.2 shall not apply in any case in which it is demonstrated to the Department that sulfur dioxide emissions, caused by the combustion of commercial fuel oils, from any stack or chimney into the outdoor atmosphere, can be controlled to levels that, on and after the effective dates listed herein, do not exceed at any time those quanities of sulfur dioxide, expressed in pounds per one (1) million BTU gross heat input, set forth in the following table:

Grades of Commercial Fuel Oil	Classification SSU Viscosity at 100° F.	Permissible SO_2 Emissions (Pounds SO_2 per Million BTU Gross Heat Input)		
		Effective 5/1/68	Effective 10/1/70	Effective 10/1/71
No. 4	Greater than 45 but less than 145	0.74lbs.	0.42lbs.	0.30lbs.
No. 5, No. 6 & heavier	Equal to or greater than 145	1.1lbs.	0.52lbs.	0.30lbs.

(50.2) 7:27-9.3 - NON-COMMERCIAL FUEL

On and after May 1, 1968 no person shall cause, suffer, allow or permit sulfur dioxide, caused by the combustion of non-commercial fuel or the combustion of non-commercial and commercial fule mixtures, to be discharged from any stack or chimney into the outdoor astmosphere at any time in excess of 640 ppm by volume adjusted to twelve (12) percent carbon dioxide by volume; and, on and after October 1, 1971 no person shall cause, suffer, allow or permit sulfur dixoide, caused by the combustion of non-commercial fuel or the combustion of non-commercial and commercial fuel mixtures, to be discharged from any stack or chimney into the outdoor atmosphere at any time in excess of 310 ppm by volume adjusted to twelve (12) percent carbon dioxide by volume.

Any person responsible for the discharge of sulfur dixoide, caused by the combustion of non-commercial fuel or the combustion of non-commercial and commercial fuel mixtures, from any stack or chimney into the outdoor atmopshere shall provide the facilities and necessary equipment and shall conduct stack tests using methods approved by the Department. Such tests shall include a determination of the percent by volume of the concentrations of sulfur dioxide and carbon dioxide at the sampling point in the stack or chimney, and the data shall be recorded in a permanent log at least once each hour. This data shall be maintained for a period of not less than one year and shall be available for review by the Department.

(2.0) 7:27-9.4 - EXEMPTIONS

(a) The provisions of this chapter shall not apply to commercial fuel used by ocean-going vessels or in internal combustion engines.

(b) The requirements of this chapter which are to become effective on October 1, 1970 and October 1, 1971 shall not apply to commercial fuel used in Atlantic, Cape May, Cumberland, Hunterdon, Ocean, Sussex and Warren Counties.

(c) The requirements of this chapter shall not preclude the use after May 1, 1968 of any commercial or non-commercial fuel on hand at the place of use on May 1, 1968.

(51.6) Subchapter 10 - CONTROL AND PROHIBITION OF AIR POLLUTION FROM SULFUR DIOXIDE CAUSED BY THE COMBUSTION OF COAL

(1.0) 7:27-10.1 - DEFINITIONS

The following terms as used in this Chapter shall mean and include:

COAL: Anthracite coal, bituminous coal, and coke.

ANTHRACITE COAL: A hard, black lustrous coal containing 85-95 percent carbon, characterized by its small percentage of volatile matter, high specific gravity, hardness, nearly metallic luster, rich black color and semiconchoidal fracture. Volatile matter is usually less than seven percent.

BITUMINOUS COAL: A coal containing 70-85 percent carbon having usually more than seven percent volatile matter.

COKE: Coke is the fused, cellular, porous structure that remains after free moisture and the major portion of the volatile materials have been distilled from bituminous coal and other carbonaceous material by the application of heat in the absence of air or in the presence of a limited supply of air.

· COAL MERCHANT: Any person who stores, offers for sale or sells coal in retail or wholesale trade, excluding agents, brokers, wholesalers, distributors or producers who sell coal for use in single steam and/or electric power generating facilities having rated hourly capacities that equal or exceed two hundred (200) million BTU gross heat input, or in a group of steam and/or electric power generating facilities at one location having a combined rated capacity which equals or exceeds four hundred and fifty (450) million BTU gross heat input.

APPROVED STACK-GAS CLEANING PROCESS: A process which removes sulfur dioxide from the products of combustion of coal and which has been approved by the Department.

SULFUR DIOXIDE (SO_2): A colorless gas at standard conditions which has the molecular formula SO_2.

STACK OR CHIMNEY: A flue, conduit or opening permitting particulate or gaseous emissions into the open air, or constructed or arranged for such purpose.

CANNEL COAL: A free burning variety of high volatile content bituminous or subbituminous composed almost entirely of attritus, of uniform and compact fine-grained texture with a general absence of banded structure, dark gray to black in color with a greasy luster, noticeably of conchoidal or shell-like fracture and which ignites easily, is non-caking and does not swell on heating.

(50.2) 7:27-10.2 - SULFUR CONTENT STANDARDS

(a) On and after the effective dates listed, no coal merchant shall store, offer for sale, sell, deliver for use, or exchange in trade, for use in New Jersey, bituminous and/or anthracite coal containing sulfur in excess of the percentages by weight set forth in the following table;

Type Coal	Percent Sulfur by Weight (Dry Basis)	
	Effective 5/6/68	Effective 10/1/71
Bituminous	1.0%	0.2%
Anthracite	0.7%	0.2%

(b) On and after May 6, 1968 no person shall use bituminous and/or anthracite coal containing sulfur in excess of the precentages by weight set forth in the following table;

Type Coal	Percent Sulfur by Weight (Dry Basis)
Bituminous	1.0%
Anthracite	0.7%

(c) The provisions of Subsection (b) shall not apply:

1. In any case in which by use of an approved stack gas cleaning process it is demonstrated to the Department that sulfur dioxide emissions, caused by the combustion of bituminous coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed at any time 1.5 pounds of sulfur dioxide per one (1) million BTU gross heat input, or whenever any person can demonstrate that sulfur dioxide emissions, caused by the combustion of anthracite coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed at any time 1.0 pounds of sulfur dioxide per one (1) million BTU gross heat input.

2. In any case in which the person responsible for the use of bituminous coal believes that bituminous coal containing one (1) percent sulfur or less by weight cannot be used in a specific steam and/or electric power generating facility, he may submit data to the Department setting forth justification for a less restrictive percent of sulfur content by weight in bituminous coal. If a change is approved by the Department, the Department shall authorize the use of a less restrictive percentage of sulfur by weight in bituminous coal. Any less restrictive

percent of sulfur content by weight in bituminous coal authorized by the Department shall not exceed 1.5 percent at any time.

(d) On and after October 1, 1971 no person shall use bituminous and/or anthracite coal containing sulfur in excess of 0.20 percent by weight.

(e) The provisions of subsection (d) shall not apply:

1. In any case in which it is demonstrated to the Department that sulfur dioxide emissions, caused by the combustion of bituminous and/or anthracite coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed, at any time, 0.30 pounds of sulfur dioxide per one (1) million BTU gross heat input.

2. In any case in which the person responsible for the use of bituminous and/or anthracite coal in a coal-fired steam and/or electric power generating facility in existence prior to May 6, 1968 can demonstrate to the Department:

a. That a single bituminous and/or anthracite coal-fired steam and/or electric power generating facility has a rated hourly capacity that equals or exceeds two hundred (200) million BTU gross heat input, or

b. That a group of bituminous and/or anthracite coal-fired steam and/or electric power generating facilities at one location has a combined rated hourly capacity which equals or exceeds four hundred fifty (450) million BTU gross heat input.

The Department may authorize such a facility or group of facilities at one location to use bituminous coal containing sulfur not at any time in excess of 1.0 percent by weight, subject to the exception as provided in Subsection (c)2, or anthracite coal containing sulfur not at any time in excess of 0.70 percent by weight.

(f) On and after May 6, 1968 no person shall store, offer for sale, sell, deliver for use, exchange in trade, for use in New Jersey, or use coke containing sulfur in excess of 0.65 percent by weight.

(51.6) 7:27-10.3 - EXPANSION, RECONSTRUCTION, OR CONSTRUCTION OF COAL-FIRED FUEL BURNING FACILITIES

(a) On and after May 6, 1968 no person shall expand or reconstruct existing coal-fired steam and/or electric power generating facilities or build new coal-fired steam and/or electric power generating facilities having rated hourly capacities that equal or exceed, or would equal or exceed as a result of expansion and/or reconstruction, one (1) million BTU gross heat input.

(b) The provisions of Subsection (a) shall not apply whenever any person responsible for the construction, reconstruction, or expansion of a coal-fired steam and/or electric power generating facility having a rated hourly capacity that equals or exceeds, or would equal or exceed as a result of expansion and/or reconstruction, one (1) million BTU gross heat input can demonstrate:

1. that sulfur dioxide emissions, caused by the combustion of bituminous and/or anthracite coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed at any time 0.30 pounds of sulfur dioxide per one (1) million BTU gross heat input, or

2. that the bituminous and/or anthracite coal used to fire such a facility will at no time contain more than 0.20 percent sulfur by weight.

(2.0) 7:27-10.4 - EXEMPTIONS

(a) The provisions of this Chapter shall not apply to coal used by ocean-going vessels.

(b) The requirements of this Chapter which are to become effective on October 1, 1971 shall not apply to coal used in Atlantic, Cape May, Cumberland, Hunterdon, Ocean, Sussex and Warren Counties.

(c) The requirements of this Chapter shall not preclude the use after May 6, 1968 of any coal on hand at the place of use on May 6, 1968.

(d) In any case in which it is demonstrated to the Department that a bona fide pilot plant installation of a stack-gas cleaning process is to be made, the use of non-conforming coal to the extent necessary, in the judgement of the Department, to evaluate the effectiveness of the process will not be prohibited by this Chapter.

(e) The provisions of Subsection 10.2(a) which are to become effective on October 1, 1971 and the provisions of Subsection 10.2(d) shall not apply to anthracite coal or to cannel coal burned solely for heating purposes in combustion equipment in use in one or two family residences on or before October 1, 1971 for such purpose.

(51.9) Subchapter 11 - INCINERATORS

(1.0) 7:27-11.1 - DEFINITIONS

The following terms as used in this Chapter shall mean and include:

INCINERATOR: Any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance including but not limited to refuse, rubbish, garbage, trade waste, debris or scrap or a facility for cremating human or animal remains.

COMMON INCINERATOR: An incinerator designed and used to burn waste materials of Types 0,1,2, and 3 only, in all capacities not exceeding 2,000 pounds per hour of waste material input.

SPECIAL INCINERATOR: Municipal, pathological waste, or trade waste incinerator of any burning capacity, or any incinerator with a burning capacity in excess of 2,000 pounds per hour.

MUNICIPAL INCINERATOR: Any incinerator owned or operated by government or by a person who provides incinerator service to government or others, and designed and used to burn waste materials of any and all types, 0 to 6 inclusive.

PATHOLOGICAL WASTE INCINERATOR: An incinerator designed and used to burn Type 4 waste materials, primarily human and animal remains, in all burning capacities. Crematoriums are included in this category.

TRADE WASTE INCINERATOR: An incinerator designed and used to burn waste material primarily of Types 5 and 6, either separately or together with waste materials of Types 0,1, and 3.

TYPE 0 WASTE: Trash, a mixture of highly combustible waste such as paper, cardboard cartons, wood boxes and combustible floor sweepings, containing approximately 10% moisture and 5% incombustible solids, and having a heating value of approximately 8500 BTU per pound as fired, and deriving from commercial and industrial activities. The mixtures contain up to 10% by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps.

TYPE 1 WASTE: Rubbish, a mixture of combustible waste such as paper, cardboard cartons, wood scraps, foliage and combustible floor sweepings, containing approximately 25% moisture and 10% incombustible solids and having a heating value of approximately 6500 BTU per pound as fired, and deriving from domestic, commercial and industrial activities. The mixture contains up to 20% by weight of restaurant or cafeteria waste, but contains little or no treated paper, plastic or rubber wastes.

TYPE 2 WASTE: Refuse, consisting of an approximately even mixture of rubbish and garbage by weight, containing up to 50% moisture and approximately 7% incombustible solids, and having a heating value of approximately 4300 BTU per pound as fired, and commonly deriving from apartment and residential occupancy.

TYPE 3 WASTE: Garbage, consisting of animal and vegetable wastes containing up to 70% moisture and up to 5% incombustible solids and having a heating value of approximately 2500 BTU per pound as fired and deriving from restaurants, cafeterias, hotels, hospitals, markets, and like installations.

TYPE 4 WASTE: Human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources, consisting of up to 85% moisture and approximately 5% incombustible solids and having a heating value of approximately 1,000 BTU per pound as fired.

TYPE 5 WASTE: By-product waste, gaseous, liquid or semi-liquid, such as tar, paints, solvents, sludge, fumes, et cetera, from industrial operations.

TYPE 6 WASTE: Solid by-product waste, such as rubber, plastics, wood waste, et cetera, from industrial operations.

MULTIPLE CHAMBER INCINERATOR: Any incinerator with two or more refractory-lined combustion chambers in series physically separated by refractory walls, interconnected by gas passages, and employing adequate design parameters necessary for maximum combustion of the waste materials.

NEW INCINERATOR: Any incinerator purchased or constructed after the effective date of this Chapter.

EXISTING INCINERATOR: Any incinerator purchased, acquired, or used before the effective date of this Chapter.

DEPARTMENT: The State Department of Health.

SINGLE FLUE-FED INCINERATOR: An incinerator provided with a single flue which serves as both the charging chute and the flue to transport products of combustion to the atmosphere.

PARTICLES: Any material, except uncombined water which exists in a finely divided form as liquid particles or solid particles at standard conditions.

LIQUID PARTICLES: Particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

SOLID PARTICLES: Particles of rigid shape and definite volume.

STANDARD CONDITIONS: Shall be 70^{o} F. and one atmosphere pressure (14.7 psia or 760 mm Hg).

AUXILIARY FUEL: Fuel other than waste materials used to attain temperatures sufficiently high, (a) to dry and ignite waste materials (b) to maintain ignition thereof, or (c) to effect complete combusiton of combustible solids, vapors and gases.

SMOKE: Shall mean and include small gasborne and air-borne particles arising from a process of combustion in sufficient number to be observable.

RINGELMANN SMOKE CHART: Shall be the Ringelmann Scale for Grading the Density of Smoke published by the U. S. Bureau of Mines or any chart, recorder, indicator or device for the measurement of smoke density which is approved by the Department as the equivalent of said Ringelmann Scale.

CONTROL APPARATUS: Any device which prevents or controls the emission of any air contaminant.

(2.0) 7:27-11.2 - CONSTRUCTION STANDARDS

(a) MULTIPLE CHAMBERS

1. No person shall construct, install, use or cause to be used any new incinerator unless such incinerator is of the multiple chamber type or of a type approved by the Department as being equally effective for the purpose of air pollution control.

2. Two years from the effective date of this Chapter, no person shall use or cause to be used an existing incinerator unless such incinerator is of the multiple chamber type or of a type approved by the Department as being equally effective for the purpose of air pollution control.

(b) No person shall construct, install, use, or cause to be used any new single flue-fed incinerator.

(50.0) 7:27-11.3 - EMISSION STANDARDS

(a) PARTICLES

1. No person shall construct, install, use, or cause to be used any new common incinerator or alter or relocate and use or cause to be used any existing common incinerator which will emit more than 0.2

grains of particles including ash per cubic foot of dry flue gas at standard conditions corrected to 12 percent carbon dioxide by volume excluding the contribution of auxiliary fuel.

2. No person shall construct, install, use, or cause to be used any new special incinerator or alter or relocate and use or cause to be used any existing special incinerator which will emit more than 0.1 grains of particles including ash per cubic foot of dry flue gas at standard conditions corrected to 12 percent carbon dioxide by volume excluding the contribution of auxiliary fuel.

3. Two years from the effective date of this Chapter, no person shall use or cause to be used any existing common incinerator which will emit more than 0.2 grains of particles, including ash per cubic foot of dry flue gas at standard conditions corrected to 12 percent carbon dioxide by volume excluding the contribution of auxiliary fuel.

4. Two years from the effective date of this Chapter, no person shall use or cause to be used any existing special incinerator which will emit more than 0.1 grains of particles, including ash per cubic foot of dry flue gas at standard conditions corrected to 12 percent carbon dioxide by volume excluding the contribution of auxiliary fuel.

(b) SMOKE

1. The provisions of Subchapter 3 of the New Jersey Air Pollution Control Code insofar as they relate to smoke from incinerators are superseded by this section.

2. No person shall cause, suffer, allow or permit smoke from any incinerator the shade or appearance of which is darker than No. 1 of the Ringelmann Smoke Chart to be emitted into the open air; or emissions of such opacity within a stack or chimney, or exclusive of water vapor, of such opacity leaving a stack or chimney to a degree greater than the emission designated as No. 1 of the Ringelmann Smoke Chart.

3. The provisions of Subsection (b)2 shall not apply to smoke emitted during the building of a new fire, the shade or appearance of which is not greater than No. 2 of the Ringelmann Smoke Chart for a period of three consecutive minutes; or emissions of such opacity within a stack or chimney, or exclusive of water vapor, of such opacity leaving a stack or chimney to a degree greater than the emission designated as No. 2 of the Ringelmann Smoke Chart for a period greater than three consecutive minutes.

(c) UNBURNED WASTE AND ASH

No person shall cause, suffer, allow, or permit the emission of particles of unburned wastes or ash from any common incinerator or from any special incinerator which are individually large enough to be visible while suspended in the atmosphere.

(d) ODORS

No person shall construct, install, use or cause to be used any common incinerator or any special incinerator which will result in odors being detectable by sense of smell in any area of human use or occupancy.

(e) STACK TEST

1. Any person responsible for the construction, installation, alteration, or use of an incinerator shall, when ordered by the Department, provide the facilities and necessary equipment for determining the density of smoke being discharged from a stack or chimney and shall conduct such smoke tests using methods approved by the Department. All smoke test data shall be recorded in a permanent log at such time intervals as specified by the Department. The data shall be maintained for a period of not less than one year and shall be available for review by the Department.

2. Any person responsible for the use of a new or existing incinerator shall upon request of the Department provide such sampling facilities and testing facilities exclusive of instruments and sensing devices as may be necessary for the Department to determine the nature and quantity of emissions from such incinerators and shall, during such testing, operate the incinerator at a charging rate of waste no less than the designed capacity of the incinerator using materials representative of the types of wastes normally burned. Such facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction or safe practice.

(3.0) 7:27-11.4 - PERMIT TO CONSTRUCT AND CERTIFICATE TO OPERATE

(a) No person shall construct or install any new incinerator, or any new control apparatus, or alter any existing incinerator, or any existing control apparatus without first having obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" from the Department, in accordance with the provisions of Chapter 9 of the New Jersey Air Pollution Control Code.

(b) No person shall use or cause to be used any new or altered incinerator, or any new or altered control apparatus without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department, in accordance with the provisions of Subchapter 8 of the New Jersey Air Pollution Control Code.

(2.0) 7:27-11.5 - OPERATION

(a) Written procedures to be followed for proper operation and maintenance of a new incinerator, or an altered existing incinerator, shall be submitted to the Department for review and approval together with the application for a certificate to operate.

(b) Any person in possession of a "Certificate to Operate" an incinerator shall maintain said certificate readily available on the operating premises. Operating procedures and rated burning capacity of the incinerator shall be posted at a convenient place as near as practical to the point of operation.

(c) No person shall use or cause to be used any incinerator unless all components connected, or attached to, or serving the incinerator, including control apparatus, are functioning properly and are in use, in accordance with the permit to construct, and the certificate to operate.

(2.0) 7:27-11.6 - EXCEPTIONS

The provisions of this Chapter shall not apply to incinerators installed or used in one or two family dwellings or in multi-occupied dwellings containing six or less family units one of which is owner occupied.

(8.0) Subchapter 12 - PREVENTION AND CONTROL OF AIR POLLUTION EMERGENCIES

(1.0) 7:27-12.1 - DEFINITIONS

The following terms as used in this Chapter shall mean and include:

AIR CONTAMINANT: Solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

PRIMARY METALS INDUSTRIES: Establishments engaged in the smelting, refining, sintering and alloying of ferrous and non-ferrous metals from ore, pig or scrap, and the manufacture of castings, forgings, powdered metals and other basic products of ferrous or non-ferrous metals, including the production of coke.

PETROLEUM REFINING AND RELATED INDUSTRIES: Establishments engaged in petroleum refining, the manufacture of paving and roofing materials from petroleum products and compounding paving and building materials from petroleum products.

CHEMICAL AND ALLIED PRODUCTS INDUSTRIES: Establishments engaged in the manufacture of (1) basic chemicals such as acids, alkalies, salts, industrial gases and organic chemicals, (2) chemical products to be used in further manufacturing such as synthetic fibers, plastics, dry colors and pigments, (3) finished chemical products to be used for ultimate consumption such as drugs, cosmetics, soap, paints, fertilizers and explosives.

PAPER AND ALLIED PRODUCTS INDUSTRIES: Establishments engaged in manufacturing wood pulp from wood or other materials and the manufacture of paper, paperboard and building papers.

GLASS, CLAY AND CONCRETE PRODUCTS INDUSTRIES: Establishments engaged in the manufacture of glass, glassware, textile fibers, glass insulation wool, structural clay products, concrete products, gypsum and plaster products, lime, abrasives and asbestos.

(8.0) 7:27-12.2 - EMERGENCY CRITERIA

A condition justifying proclamation by the Governor of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, or AIR POLLUTION EMERGENCY shall be deemed to exist whenever the Commissioner determines that the accumulation of air contaminants in any place, locality, county or other area in the state is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a threat to the health of the public. Such determinations shall be in accordance with criteria published in the New Jersey Register and on file with the Department.

(8.0) 7:27-12.3 - CRITERION FOR EMERGENCY TERMINATION

In making a determination that the threat resulting from the accumulation of air contaminants no longer exists, the Commissioner shall be guided by measurements of air quality and advisories provided by the United States Weather Service.

(2.0) 7:27-12.4 - STANDBY PLANS

(a) Any person responsible for the operation of a source of air contamination as set forth in Table 1 of this Section shall prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordane with the objectives set forth in Tables I-III which are made a part of this Section.

(b) Any person responsible for the operation of a source of air contamination not set forth under Subsection (a) shall, when requested by the Department in writing, prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables I-III.

(c) Standby plans as required under Subsections (a) and (b) shall be in writing and show the source of air contamination, the approximate amount of reduction of contaminants and a brief description of the manner in which the reduction will be achieved during an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY.

(d) During a condition of AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY, Standby plans as required by this Section shall be made available on the premises to any person authorized to enforce the provisions of the Air Pollution Emergency Control Act.

(e) Standby plans as required by this section shall be submitted to the Department upon request within thirty days of the receipt of such request; such standby plans shall be subject to review and approval by the Department. If, in the opinion of the Department, such standby plans do no effectively carry out the objectives as set forth in Tables I-III, the Department may disapprove said standby plans, state its reason for disapproval and order the preparation of amended standby plans within the time period specified in the order. Any person aggrieved by the order requiring the preparation of a revised plan is entitled to a hearing in accordance with C.26:2C-14.1 of the Air Pollution Control Act. If the person responsible fails within the time period specified in the order to submit an amended standby plan which in the opinion of the Department meets the said objectives, the Department may revise the standby plan to cause it to meet these objectives. Such revised plan will thereafter be the standby plan which the person responsible will put into effect upon the issuance of an appropriate order by the Governor.

TABLE I - EMISSION REDUCTION OBJECTIVES

Source of Air Contamination	Air Pollution Alert
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content. b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
2. Coal or oil-fired process steam generating facilities having capacity to burn in excess of four tons of coal per hour or 600 gallons of fuel oil per hour.	a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content. b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Reduction of steam load demands consistent with continuing plant operations.
3. A Manufacturing industries of the following classifications which employ more than twenty (20) employees at any one location: Primary Metals Industries Petroleum Refining and Chemical and Allied Products Industries Paper and Allied Products Industries Glass, Clay, and Concrete Products Industries AND B Other persons required by the Department to prepare standby plans.	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing consistent with continuing plant operations. d. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing or soot blowing.
4. Municipal and commercial refuse disposal operations.	a. Maximum reduction by prevention of open burning on all refuse disposal areas. b. Sustantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 P.M.

TABLE II - EMISSION REDUCTION OBJECTIVES

Source of Air Contamination	Air Pollution Warning
1. Coal or oil-fired electric power generating facilities	a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content. b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
2. Coal or oil-fired process steam generating facilities having a capacity to burn in excess of four tons of coal per hour or 600 gallons of fuel oil per hour	a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content. b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Reduction of steam load demands consistent with continuing plant operations. d. Making ready for use a plan of action to be taken if an emergency develops.
3. A Manufacturing industries of the following classifications which employ more than twenty (20) employees at any one location: Primary Metals Industries Petroleum Refining and Related Industries Chemical and Allied Products Industries Paper and Allied Products Industries Glass, Clay and Concrete Products Industries AND B Other persons required by the Department to prepare standby plans.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing consistent with continuing plant operations. d. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing or soot blowing.
4. Municipal and commercial refuse disposal operations.	a. Maximum reduction by prevention of open burning on all refuse disposal areas. b. Complete elimination of the use of incinerators.

TABLE III - EMISSION REDUCTION OBJECTIVES

Source of Air Contamination	Air Pollution Emergency
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content. b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal or oil-fired process steam generating facilities having a capacity to burn in excess of four tons of coal per hour or 600 gallons of fuel oil per hour.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Taking the action called for in the Emergency plan.
3. A Manufacturing industries of the following classifications which employ more than twenty (20) employees at any one location: Primary Metals Industries Petroleum Refining & Related Industries Chemical and Allied Products Industries Paper and Allied Products Industries Glass, Clay and Concrete Products Industries AND B Other persons required by the Department to prepare standby plans.	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing or soot blowing.
4. Municipal and commercial refuse disposal operations.	a. Maximum reduction by prevention of open burning on all refuse disposal areas. b. Complete elimination of the use of incinerators.

(2.0) 7:27-12.5 STANDBY ORDERS

Following are standby orders which might be appropriate for use by the Governor upon his declaration that an Air Pollution Emergency exists:

(a) AIR POLLUTION ALERT

1. Any person responsible for the operation of a source of air contaminantion as set forth in Table I of 7:27-12.4 shall take all AIR POLLUTION ALERT actions are required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLTUION ALERT.

2. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

3. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 Noon and 4:00 P.M.

4. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 P.M.

(b) AIR POLLUTUION WARNING

1. Any person responsible for the operation of a source of air contaminantion as set forth in Table II of Section 4 shall take all AIR POLLUTION WARNING actions as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION WARNING.

2. There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form.

3. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

4. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 P.M.

(c) AIR POLLUTION EMERGENCY

1. Any person responsible for the operation of a source of air contamination as described in Table III of Section 4 shall take all AIR POLLUTION EMERGENCY actions as listed as required for such source

of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION EMERGENCY.

2. All manufacturing establishments except those included in Subsection (c) 1. will institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment.

3. All places of employment described below shall immediately cease operations:

(a) Mining and quarrying of non-metallic minerals.

(b) All contract construction work except that which must proceed to avoid physical harm.

(c) Wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.

(d) All offices of local, county, and state government including authorities, joint meetings, and any other public body; except to the extent that such offices must continue to operate in order to enforce the requirements of this order pursuant to statute.

(e) All retail trade establishments except pharmacies and stores primarly engaged in the sale of food.

(f) Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers; real estate offices.

(g) Wholesale and retail laundries; laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops; shoe repair shops.

(h) Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services; commercial testing laboratories.

(i) Automobile repair, automobile services, garages.

(j) Establishments rendering amusement and recreation services including motion picture theaters.

(k) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

(4) There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form.

(5) The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

(6) The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

(4.0) SUBCHAPTER 13 AMBIENT AIR QUALITY STANDARDS

(1.0) 7:27-13.1 - DEFINITIONS

AMBIENT AIR QUALITY STANDARD: A limit on the concentration of a contaminant in the general outdoor atmosphere, which cannot be exceeded without causing or tending to cause injury to human health, welfare, animal or plant life or property, or unreasonably interfering with the enjoyment of life and property, excluding all aspects of employer-employee relationship as to health and safety hazards.

DEPARTMENT: The Department of Environmental Protection.

AIR CONTAMINANT: Solid particles, liquid particles, vapors or gases which are discharged into the outer atmosphere.

PRIMARY AIR QUALITY STANDARD: An ambient air quality standard intended to protect the public health.

SECONDARY AIR QUALITY STANDARD: An ambient air quality standard intended to protect the public welfare.

SUSPENDED PARTICULATE MATTER: Any solid or liquid matter dispersed in the outdoor atmosphere which for purposes of this chapter, shall mean the material collected and analyzed by procedures adopted and published by the Department.

SULFUR DIOXIDE (SO_2): A colorless gas at standard conditions, having a molecular composition of one sulfur atom and two oxygen atoms and which, for proposed of this chapter, shall be collected and analyzed by procedures adopted and published by the Department.

CARBON MONOXIDE (CO): A colorless, odorless, tasteless, gas at standard conditions, having a molecular composition of one carbon atom and one oxygen atom and which, for purposes of this chapter, shall be collected and analyzed by procedures adopted and published by the Department.

STANDARD CONDITIONS: Shall be 70^{0} F. and one atmosphere pressure (14.7 psia or 760 mm Hg).

PHOTOCHEMICAL OXIDANTS: Compounds resulting from atmospheric reactions between reactive organic substances and nitrogen oxides in the presence of sunlight, and ozone and which, for purposes of this chapter, shall be collected and analyzed by procedures published and adopted by the Department.

HYDROCARBONS: Gas phase organic compounds consisting of carbon and hydrogen and the oxidation products of such compounds which serve as precursors of photochemical oxidants and which, for purposes of this chapter, shall be collected and analyzed by procedures adopted and published by the Department.

NITROGEN DIOXIDE (NO_2): A gaseous compound at standard conditions, having a molecular composition of one nitrogen atom and two oxygen atoms and which, for purposes of this chapter, shall be collected and analyzed by procedures published and adopted by the Department.

(4.0) 7:27-13.2 - GENERAL AMBIENT AIR QUALITY STANDARD

(a) Whereas air is vital to life and contamination of it to any degree is a condition to be endured reluctantly; and whereas our knowledge of the long-term harmful effects of low levels of contamination is incomplete and uncertain; therefore, it is the air quality objective of the Department to assure, at all times and throughout the territory of the State, ambient air of the highest purity achievable by the installation and diligent operation and maintenance of pollution source control devices and methods consistent with the lawful application of most advanced state of the art.

(b) Furthermore, it is the objective of the Department, by prevention and correction, so to enhance the quality of our outdoor air that as a minimum, and throughout the State, air quality will be in accord at least with the numerical air quality standards for specific pollutants set forth in subsequent sections of this chapter.

(c) An implementation plan of action to meet air quality standards will be adopted by the Department and, from time to time, amended as necessary. The plan will incorporate all pertinent air pollution control regulations which limit or prevent the emission into the atmosphere of air contaminants for which air quality standards have been adopted. The plan also will include interim air quality objectives whose achievement through rigorous enforcement can then be predicted.

(4.1) 7:27-13.3 - AMBIENT AIR QUALITY STANDARDS FOR SUSPENDED PARTICULATE MATTER

(a) PRIMARY AIR QUALITY STANDARDS

1. During any 12 consecutive months, the geometric mean value of all 24-hour averages of suspended particulate matter concentrations in ambient air shall not exceed 75 micrograms per cubic meter

and

2. during any 12 consecutive months, 24-hour average concentrations may exceed 260 micrograms per cubic meter no more than once.

(b) SECONDARY AIR QUALITY STANDARDS

1. During any 12 consecutive months, the geometric mean value of all 24-hour averages of suspended particulate matter concentrations in ambient air shall not exceed 60 micrograms per cubic meter

and

2. during any 12 consecutive months, 24-hour average concentrations may exceed 150 micrograms per cubic meter no more than once.

(4.2) 7:27-13.4 - AMBIENT AIR QUALITY STANDARDS FOR SULFUR DIOXIDE

(a) PRIMARY AIR QUALITY STANDARDS

1. During any 12 consecutive months, the arithmetic mean concentration for sulfur dioxide in ambient air shall not exceed 80 micrograms per cubic meter (0.03 ppm).

and

2. during any 12 consecutive months, 24-hour average concentrations may exceed 365 micrograms per cubic meter (0.14 ppm) no more than once.

(b) SECONDARY AIR QUALITY STANDARDS

1. During any 12 consecutive months, the arithmetic mean concentration of sulfur dioxide in ambient air shall not exceed 60 micrograms per cubic meter (0.02 ppm).

and

2. during any 12 consecutive months, 24-hour average concentrations may exceed 260 micrograms per cubic meter (0.1 ppm) no more than once

and

3. during any 12 consecutive months, 3-hour average concentrations may exceed 1300 micrograms per cubic meter (0.5 ppm) no more than once.

(4.5) 7:27-13.5 - AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE

(a) PRIMARY AND SECONDARY AIR QUALITY STANDARDS

1. During any 12 consecutive months, the 8-hour average concentration of carbon monoxide in ambient air may exceed 10 milligrams per cubic meter (9 ppm) no more than once.

and

2. during any 12 consecutive months, 1-hour average concentrations may exceed 40 milligrams per cubic meter (35 ppm) no more than once.

(4.6) 7:27-13.6 - AMBIENT AIR QUALITY STANDARD FOR PHOTOCHEMICAL OXIDANTS

PRIMARY AND SECONDARDY AIR QUALITY STANDARD

During any 12 consecutive months, the 1-hour average concentrations of photochemical oxidants in ambient air may exceed 160 micrograms per cubic meter (0.08 ppm) no more than once.

(4.4) 7:27-13.7 - AMBIENT AIR QUALITY STANDARD FOR HYDROCARBONS

PRIMARY AND SECONDARY AIR QUALITY STANDARD

During any 12 consecutive months, the average concentration of hydrocarbons, except methane, in ambient air during the 3-hour period from 6:00 a.m. to 9:00 a.m. may exceed 160 micrograms per cubic meter (0.24 ppm) no more than once.

(4.3) 7:27-13.8 - AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE

PRIMARY AND SECONDARY AIR QUALITY STANDARD

During any 12 consecutive months, the arithmetic mean concentration of nitrogen dioxide in ambient air shall not exceed 100 micrograms per cubic meter (0.05 ppm).

(12.0) Subchapter 14 CONTROL AND PROHIBITIONS OF SMOKE FROM DIESEL-POWERED MOTOR VEHICLES
(50.1.2)

(1.0) 7:27-14.1 - DEFINITIONS

PERSON: Includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

MOTOR VEHICLE: Includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

AUTOBUS: Includes all motor vehicles used for the transportation of passengers for hire.

DIESEL-POWERED MOTOR VEHICLE: A self-propelled vehicle designed primarily for transporting persons or property on a public street or highway which is propelled by a compression ignition type of internal combustion engine; for purposes of this chapter passenger automobiles and motorcycles are excluded.

DIESEL-POWERED ENGINE: A mechanism for converting energy into mechanical force and motion by using a compression ignition type of internal combustion engine.

SMOKE: Small gasborne and airborne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

OPACITY: The property of a substance which renders it partially or wholly obstructive to the transmittion of visible light expressed as the percentage to which the light is obstructed.

EXHAUST EMISSIONS: Substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

SMOKEMETER: A device constructed in such manner as to measure smoke opacity by light obstruction between a light source and photo-electric cell which will indicate the percent opacity of smoke at a point approximately six (6) inches from the engine exhaust outlet. The device shall be of design meeting "Specification for Diesel-Powered Vehicle Smokemeter" on file with the State Commissioner of Enviromental Protection and approved for use in accordance with manufacturer's recommended procedures for calibration, mounting and maintenance.

OPERATING MODE: A procedure for operating a diesel-powered motor vehicle or a diesel-powered engine during measurement of smoke opacity in the exhaust emissions.

CHASSIS DYNAMOMETER: A device constructed in such a manner as to simulate highway driving conditions on a stationary motor vehicle.

RPM - Revolutions per minute

MPH - Miles per hour

(12.0) 7:27-14.2 - PUBLIC HIGHWAY STANDARD

No person shall operate any diesel-powered motor vehicle or permit any diesel-powered motor vehicle which he owns to be operated upon the public highways of the State if the vehicle, when in motion, emits visible smoke in the exhaust emissions within the proximity of the exhaust outlet, for a period of more than five (5) seconds.

(9.0) 7:27-14.3 - INSPECTION STANDARD

(a) Any motor vehicle propelled by a diesel-powered engine which is subject to inspection at the premises or places of business of the owner or lessee by the Division of Motor Vehicles as a condition of compliance with said inspection, shall not emit smoke in the exhaust emissions in excess of the smoke opacity standards set forth in Table 1.

(b) Any autobus propelled by a diesel-powered engine which is subject to inspection at the premises or places of business of the owner or lessee by the Public Utilities Commission as a condition of compliance with said inspection shall not emit smoke opacity standard set forth in Table 2.

TABLE 1

INSPECTION STANDARDS

VEHICLES SUBJECT TO INSPECTION BY THE DIVISION OF MOTOR VEHICLES
(Reference P.L. Title 39:8-10)

Type of Inspection	Operating Mode*	Smoke Opacity Standard
Self inspection authorized by Division of Motor Vehicles at the premises or places of business of the owner or lessee	(1) Vehicle driven on chassis dynamometer with simulated load by power absorption	20%
	-alternate-	
	(2) Vehicle driven in low gear with simulated load by braking action.	20%

*PROCEDURES:

(1) VEHICLE DRIVEN ON CHASSIS DYNAMOMETER WITH SIMULATED LOAD BY POWER ABSORPTION - with smokemeter firmly positioned on the exhaust outlet and vehicle positioned on the chassis dynamometer proceed with the following steps:

STEP 1--With vehicle on a chassis dynamometer under no power adsorption, select a gear ratio which will produce a maximum vehicle speed of 45-60 MPH at governed engine RPM.

STEP 2--With engine running at governed engine RPM, apply power absorption load to the dynamometer until such loading reduces the engine RPM to 80 percent of the governed speed, the peak smoke opacity measured over a period of 5 to 10 seconds with the engine under such loading shall be the smoke opacity.

(2) VEHICLE DRIVEN IN LOW GEAR WITH SIMULATED LOAD BY BRAKING ACTION-with smokemeter firmly positioned on the exhaust outlet, proceed with the following steps:

STEP 1--Select a gear ratio which will produce a maximum speed of 10-15 MPH, at governed engine RPM, drive vehicle at 10-15 RPM at governed engine RPM.

STEP 2--Load the engine by apply brakes until engine RPM is lugged down to 80 percent of the governed engine RPM, the peak smoke opacity measured over a period of 5-10 seconds with the engine under such brake loading shall be the smoke opacity.

NOTE:

(a) All measurements are to be made after engines have been run a sufficient period of time to be at normal operating temperature.

(b) Separate measurements shall be made on each exhaust outlet on vehicles equipped with dual exhaust outlets.

TABLE 2

INSPECTION STANDARDS

VEHICLES SUBJECT TO INSPECTION BY THE PUBLIC UTILITIES COMMISSION
(Reference P.L. Title 48:4-2.1 and 2.1A, Title 48:4-18)

Type of Inspection	Operating Mode*	Smoke Opacity Standard
Inspection of Public Utilities Commission at the premises or places of business of the owner or lessee	Autobus driven with rapid acceleration	40%

*PROCEDURE:

STEP 1--With smokemeter firmly positioned on exhaust outlet and transmission engaged, drive autobus by accelerating as rapidly as possible to approximately 20 MPH.

STEP 2--Release accelerator pedal and brake to full stop.

STEP 3--The peak smoke opacity measured during the acceleration to 20 MPH shall be the smoke opacity.

NOTE:

(a) All measurements are to be made after engines have been run a sufficient period of time to be at normal operating temperature.

(b) Separate measurements shall be made on each exhaust outlet on vehicles equipped with dual and separated exhaust outlets.

(c) A single, combined measurement shall be made on the exhaust outlets on vehicles equipped with dual, adjacent exhaust outlets.

(12.0) Subchapter 15 - CONTROL AND PROHIBITION OF AIR POLLUTION FROM LIGHT-DUTY GASOLINE-FUELED MOTOR VEHICLES

(1.0) 7:27-15.1 - DEFINITIONS

PERSON: Includes corporations, companies, associations, societies, firms, partnerships, and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

MOTOR VEHICLE: Light-duty shall mean any motor vehicle designed primarily for transportation of persons or property and registered at 6,000 pounds gross weight or less.

MODEL YEAR OF VEHICLE: The production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines shall mean the 12-month period beginning January of the year in which production begins.

EXHAUST EMISSIONS: Substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

CRANKCASE EMISSIONS: Substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

SMOKE: Small gasborne and airborne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

CARBON MONOXIDE: A non-irritating, colorless, odorless gas at standard conditions which has the molecular form of CO.

HYDROCARBONS: Compounds whose moleculars consist of atoms of hydrogen and carbon only.

APPROVED EXHAUST GAS ANALYTICAL SYSTEM: A device for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle. For purposes of this Chapter this shall mean analyzing devices of the nondispersive infrared type sensitized to measure carbon monoxide at the 4.74 micron band expressed as percent carbon monoxide in air and to measure hydrocarbons as hexane at the 3.41 micron band expressed as parts per million of hydrocarbons (hexane) in air. The device shall be design meeting "SPECIFICATIONS FOR EXHAUST GAS ANALYTICAL SYSTEM" on file with the State Commissioner of Environmental Protection and approved for use in accordance with the manufacturer's recommended procedures for calibration and maintenance.

NEW MOTOR VEHICLE: A newly manufactured motor vehicle registered in New Jersey, prior to delivery to the ultimate purchaser.

NEW MOTOR VEHICLE DEALER: A sales agency, his employees, and/or agents licensed pursuant to N.J.S.A. 39:10-19 to sell new motor vehicles.

ULTIMATE PURCHASER: Any person, other than a motor vehicle dealer purchasing in his capacity as a motor vehicle dealer, who in good faith purchases a motor vehicle for purposes other than for resale as a motor vehicle dealer.

PRE-DELIVERY CHECKLIST: A schedule of items and procedures which a new motor vehicle dealer is required or requested by a manufacturer to check or follow prior to delivery of a new motor vehicle to the ultimate purchaser.

(12.0) 7:27-15.2 - PUBLIC HIGHWAY STANDARD

(a) No person shall operate any light-duty, gasoline-fueled motor vehicle or permit such vehicle which he owns to be operated upon the public highways of the State if the vehicle emits visible smoke in the exhaust emissions or in the crankcase emissions.

(b) The provisions of this section shall become effective July 1, 1973.

(12.0) 7:27-15.3 - NEW MOTOR VEHICLE DEALER INSPECTION COMPLIANCE STANDARDS

(a) Any light-duty, gasoline-fueled new motor vehicle subject to inspection by any new motor vehicle dealer in accordance with regulations promulgated by the New Jersey Division of Motor Vehicles shall, prior to delivery by the new motor dealer to the ultimate purchaser, conform to the emission specifications prescribed by the manufacturer and/or to such specifications as may be prescribed by the manufacturer in the new motor vehicle pre-delivery checklist to assure proper functioning of emission control devices. Whenever emission specifications are not prescribed, the inspection standards as set forth in 7:27-15.4(b).

(b) The provisions of this section shall become effective July 5, 1972.

(9.0) 7:27-15.4 - MOTOR VEHICLE INSPECTION STANDARD

(a) Any light-duty gasoline-fueled motor vehicle which is subject to inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. Title 39:8-1, as a condition of compliance with said inspection, shall not emit visible smoke in the exhaust emissions or in the crankcase emissions when using the prescribed inspection test procedure.

(b) Any light-duty, gasoline-fueled motor vehicle which is subject to inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. Title 39:8-1, as a condition of compliance with said inspection, shall not emit carbon monoxide (CO) and/or hydrocarbons (HC) in the exhaust emissions in excess of standards set forth in Table 1, when measured using an approved exhaust gas analytical system and the prescribed inspection procedure.

(c) The provisions of this section shall become effective July 5, 1972 subject to the exception set forth in Subsection 15.5(a) of this Chapter.

(2.0) 7:27-15.5 - EXCEPTIONS

(a) Non-compliance with standards set forth in 7:27-15.4, of this Chapter by any motor vehicle during the period July 5, 1972 to June 30, 1973 shall not be cause for rejection or reinspection.

(b) The provisions of 7:27-15.3 and 7:27-15.4 of this Chapter shall not apply to motorcycles or to motor vehicles with an engine displacement of less than 50 cubic inches.

(c) Nothing in this Chapter is intended to limit or deny the inspection of motor vehicles for exhaust systems in accordance with regulations established pursuant to N.J.S.A Title 39:8-1.

TABLE I

INSPECTION STANDARDS

VEHICLES SUBJECT TO INSPECTION BY THE DIVISION OF MOTOR VEHICLES
(Reference N.J.S.A. Title 39:8-1)

MODEL YEAR OF VEHICLE	EFFECTIVE July 5, 1972		EFFECTIVE July 1, 1974		EFFECTIVE July 1, 1975	
	CO(%)	HC(PPM)	CO(%)	HC(PPM)	CO(%)	HC(PPM)
Up to and including 1967	10.0	1600	8.5	1400	7.5	1200
1968-1969	8.0	800	7.0	700	5.0	600
1970-1974	6.0	600	5.0	500	4.0	400
1975 and Later					*----------	

PRESCRIBED INSPECTION TEST PROCEDURE

STEP 1: With the vehicle in neutral gear, all accessories off, handbrake secure, accelerate engine and observe emissions and crankcase emissions.

STEP 2: With the engine running at idle, insert sampling probe of gas analytical system into the engine exhaust outlet. The steady State levels measured as percent carbon monoxide and parts per million of hydrocarbons in the exhaust gas shall be the inspection test result.

NOTE: All measurements are to be made after engine has been operating a sufficient period to time to attain normal operating temperature.

*To be promulgated by amendment.

(50.4) Subchapter 16 CONTROL AND PROHIBITION OF AIR POLLUTION BY VOLATILE ORGANIC SUBSTANCES

(1.0) 7:27-16.1 - DEFINITIONS

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Air Contaminant" means solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

"Conservation vent" means any control apparatus designed and used to reduce evaporation losses of volatile organic substances by limiting the amount of air admitted to, or vapors released from, the vapor space of a closed storage vessel.

"Control apparatus" means any device which prevents or controls the emission of any air contaminant.

"Department" means the Department of Environmental Protection.

"Equipment" means any device capable of causing the emission of an air contaminant into the outdoor atmosphere, and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by a manufacturing process.

"Fill pipe" means a device through which liquid is transferred into a receiving vessel.

"Floating roof" means a pontoon type or double-deck type roof resting on the surface of the liquid contents in a storage vessel, and equipped with a mechanism providing a tight seal in the space between the floating roof rim and the vessel shell throughout the entire vertical travel distance of the roof, or any other floating type mechanism approved by the Department for the purpose of preventing air contaminants from being discharged into the outdoor atmosphere.

"Liquid particles" means particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

"Manufacturing process" means any action, operation or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers and absorbers.

"Opacity" means the property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as the percentage to which the light is obstructed.

"Organic substance" means any chemical compound or mixture of chemical compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides and ammonium carbonate.

"Particles" means any material, except uncombined water, which exists in a finely divided form as liquid particles or solid particles at standard conditions.

"Person" means corporations, companies, associations, societies, firms, partnerships, and joint stock companies as well as individuals, and also shall include all political subdivisions of this State or any agencies or instrumentalities thereof.

"Potential emission rate" means the mass rate of air contaminants emitted or to be emitted through a stack or chimney into the outdoor atmosphere exclusive of any type of control apparatus.

"Solid Particles" means particles of rigid shape and definite volume.

"Stack or chimney" means a flue, conduit, or opening designed and constructed for the purpose of emitting air contaminants into the outdoor atmosphere.

"Standard conditions" means or shall be 70^{o} F. and one atmosphere pressure (14.7 pounds per square inch absolute or 760 mm Hg.).

"Submerged fill pipe" means a fill pipe whose point of discharge into the receiving vessel is entirely submerged when the liquid level is no more than 6 inches above the vessel bottom or, in the case of a top or side-entering fill pipe, when the liquid level is no more than three times the inside radius of the fill pipe plus 5 inches, but not more than 42 inches, above the vessel bottom.

"Vapor" means the gaseous form of substances which, under standard conditions, are in the solid or liquid state and which can be changed to these states by either increasing the pressure or decreasing the temperature.

"Vapor pressure" means the pressure of the vapor phase of a substance, or the sum of the partial pressures of the vapor phases of individual substances in a mixture of substances, when in equilibrium with the non-vapor phase of the substance or substances. For purposes of this Subchapter, vapor pressure shall be determined by reference to the scientific literature or by test methods approved by the Department.

"Vapor control system" means a system for preventing the emission of organic vapors into the outdoor atmosphere.

"Volatile organic substance" means any organic substance, mixture of organic substances or mixture of organic or inorganic substances including but not limited to petroleum crudes, petroleum fractions, petrochemicals, solvents, diluents, and thinners.

(51.16) 7:27-16.2 STORAGE OF VOLATILE ORGANIC SUBSTANCES

(a) 1. No person shall cause, suffer, allow or permit the storage of a volatile organic substance having a vapor pressure of 0.02 pounds per square inch absolute or greater at standard conditions in any tank having a capacity greater than 2000 gallons exposed to the rays of the sun unless the external surface of the tank is painted and maintained white.

2. Any tank subject to the provisions of subsection (a)1 of this Section whose external surface is non-white shall be painted white within one year of the effective date of subsection (a)1 of this Section.

3. The provisions of subsection (a)1 of this Section shall not apply to words and logograms applied to the external surface of a storage tank for purposes of identification provided such symbols do not cover more than 20% of the external surface area of the tank's sides and top or more than 200 square feet, whichever is less.

(b) No person shall store a volatile organic substance in any tank, reservoir, or vessel having a maximum capacity of 10,000 gallons or greater unless such tank, reservoir or vessel is equipped with control apparatus to prevent the emission of organic substances into the outdoor atmosphere determined as follows or as approved by the Department as being equally or more effective in preventing the emission of organic substances into the outdoor atmosphere:

Step 1: Determine the vapor pressure at standard conditions in pounds per square inch absolute of the material to be stored.

Step 2: Select appropriate line in Table 1 for the vapor pressure determined in Step 1.

Step 3: Determine the maximum tank capacity in thousands of gallons.

Step 4: Move laterally to the right on the line selected for the vapor pressure and determine the tank capacity range classification.

Step 5: Determine control requirements in accordance with the following:

Range I : No control apparatus required under this subsection.

Range II : Conservation vent or approved equivalent required.

Range III: Floating roof or approved equivalent required.

TABLE 1

DETERMINANTS OF TYPE CONTROL APPARATUS REQUIRED FOR STORAGE OF VOLATILE ORGANIC SUBSTANCES

VAPOR PRESSURE IN PSIA @ 70° F.		TANK CAPACITY IN THOUSANDS OF GALLONS			
		Range I	Range II		Range III
Greater Than	But not Greater Than	Not Greater than	Greater than	But not Greater than	Greater than
0.02	0.03	4,500	4,500	14,000	14,000
0.03	0.04	4,500	4,500	11,000	11,000
0.04	0.06	3,500	3,500	8,000	8,000
0.06	0.08	2,500	2,500	6,000	6,000
0.08	0.10	2,000	2,000	4,500	4.500
0.10	0.15	1,600	1,600	3,500	3,500
0.15	0.2	1,050	1.050	2,500	2,500
0.2	0.3	750	750	1,600	1,600
0.3	0.4	550	550	1,250	1,250
0.4	0.5	475	475	1,075	1,075
0.5	0.6	400	400	900	900
0.6	0.7	350	350	750	750
0.7	0.7	300	300	650	650
0.8	1.0	260	260	550	550
1.0	1.2	210	210	475	475
1.2	1.4	190	190	400	400
1.4	1.6	170	170	350	350
1.6	1.8	150	150	300	300
1.8	2.1	125	125	260	260
2.1	2.4	110	110	225	225
2.4	2.7	100	100	200	200
2.7	3.0	90	90	180	180
3.0	3.5	80	80	160	160
3.5	4.0	70	70	145	145
4.0	4.5	60	60	130	130
4.5	5.0	50	50	115	115
5.0	5.5	50	50	105	105
5.5	6.0	50	50	95	95
6.0	6.5	40	40	85	85
6.5	7.0	40	40	75	75
7.0	7.5	40	40	70	70
7.5	8.0	35	35	65	65
8.0	8.5	35	35	60	60
8.5	9.5	30	30	55	55
9.5	10.5	25	25	50	50
10.5	11.5	20	20	45	45
11.5	13.0	10	10	40	40

(c) No person shall store a volatile organic substance having a vapor pressure of 13.0 pounds per square inch absolute or greater at the actual temperature existing at or near the interface between the liquid surface and the overlying vapor space in any tank, reservoir or vessel having a maximum capacity of 1,000 gallons or greater unless such tank, reservoir or vessel is equipped with a vapor control system to reduce the rate of organic vapor emissions to the outdoor atmosphere by 90 percent or more of their potential emission rate.

(d) No person shall store a volatile organic substance in any tank, reservoir or vessel subject to the provisions of either subsection (b) in Ranges II and III or subsection (c) of this Section and equipped with gauging and/or sampling systems unless such systesm are vapor-tight when gauging and/or sampling is not taking place.

(e) The provisions of subsections (a), (b), and (c) of this Section shall not apply to a stationary storage tank, reservoir or vessel located underground at a depth of no less than eight inches below the surface measured to the highest point of the tank shell, or installed in other manner approved by the Department as being equally or more effective in preventing the emission of organic substances into the outdoor atmosphere.

(f) The provisions of subsection (a) of this Section shall not apply to a storage tank, reservoir or vessel used for the storage of volatile organic substances.

1. maintained under a pressure greater than one atmosphere provided that any vent serving such storage tank, reservoir or vessel has the sole function of relieving pressure under abnormal emergency conditions, or

2. maintained under a controlled elevated temperature or

3. if such storage tank, reservoir or vessle is equipped with a vapor control system to collect and reduce by 98% or more the weight of potential organic vapor emissions to the outdoor atmosphere.

(51.16) 7:27-16.3 TRANSFER OPERATIONS

(a) No person shall transfer any volatile organic substance having a vapor pressure of 0.02 pounds per square inch absolute or greater at standard conditions into any receiving vessel of greater than 2000 gallon capacity unless such transfer is made:

1. through a submerged fill pipe or by other means approved by the Department as being equally or more effective in preventing the emission of organic substances into the outdoor atmosphere during transfer or

2. within a pressurized system having no operating vent discharging into the outdoor atmosphere.

(b) No person shall transfer into or transport in a mobile vessel of greater than 2000 gallon capacity any volatile organic substance having a vapor pressure of 0.02 pounds per square inch absolute or greater at standard conditions unless such vessel is vapor-tight except for pressure relief during transfer and under emergency conditions.

(c) Reserved

(d) Reserved

7:27-16.4 Reserved

7:27-16.5 Reserved

7:27-16.6 ODORS

The provisions of N.J.A.C. 7:27-5.2(b), shall not apply to emissions to the outdoor atmosphere of volatile organic substances subject to the provisions of this Subchapter, notwithstanding compliance with the provisions of this Subchapter.

(9.0) 7:27-16.7 EMISSION INFORMATION AND TESTS

(a) Any person responsible for the emission of volatile organic substances shall, upon request of the Department, provide:

1. Information relating to the location, rate, duration, composition, and properties of the effluent and such other information as the Department may prescribe.

2. Facilities and necessary equipment for determining the quantity and identify of volatile organic substances emitted into the outdoor atmosphere and shall conduct such tests using methods approved by the Department. Test data shall be recorded in a permanent log at such time intervals as specified by the Department and shall be maintained for a period of not less than two years and shall be available for review by the Department.

3. Sampling facilities and testing facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the nature and quantity of volatile organic substances being emitted into the outdoor atmosphere. During such testing by the Department, the equipment and all components connected, or attached

to or serving the equipment shall be used and operated under normal routine operating conditions or under such other conditions as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

4. Reserved.

(5.0) 7:27-16.8 VARIANCES

(a) Whenever a person responsible for the emission of volatile organic substances believes that advances in the art of control for the kind and amount of volatile organic substances emitted have not developed to a degree which would enable the requirements of Section 16.2 or 16.3 of this Subchapter to be attained, he may apply to the Department for a variance, setting forth his reasons and justifications therefore. The Department may issue a variance, and such variance shall be valid for a period not to exceed one year from the date of issuance and may be renewed upon application to the Department setting forth reasons and justifications for its continuation. Variances issued under the provisions of this Section shall be conditional on the compliance with any requirements which the Department deems to be necessary.

(b) Any person aggrieved by the denial by the Department of a variance requested under the provisions of this Section may, upon application made within 15 days after notice of such denial, be entitled to a hearing before the Department upon at least 15 days written notice. Within 30 days after the close of such hearing the Department shall issue a notice amending, affirming, or rescinding its previous action.

(3.0) 7:27-16.9 PERMIT TO CONSTRUCT AND CERTIFICATE TO OPERATE

(a) No person shall construct or install any new equipment, or any new control apparatus, or alter any existing equipment or control apparatus from which volatile organic substances are emitted into the outdoor atmosphere without first having obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" from the Department, in accordance with the provisions of Subchapter 8 (Permits and Certificates) of this Chapter.

(b) No person shall use or cause to be used any new or altered equipment, or any new or altered control apparatus from which volatile organic substances are emitted into the outdoor air without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department, in accordance with Subchapter 8 (Permit and Certificates) of this Chapter.

(c) No person shall use or cause to be used any equipment or control apparatus from which volatile organic substances are emitted into the outdoor atmosphere unless all components connected, or attached to, or serving the equipment, including control apparatus, are functioning properly and are in use in accordance with any relevant "Permit to Construct, Install or Alter Control Apparatus or Equipment" and any relevent "Certificate to Operate Control Apparatus or Equipment".

(2.0) 7:27-16.10 APPLICABILITY

Whenever persons, equipment, control apparatus or volatile organic substances subject to the provisions of this Subchapter are also subject to the provisions of any other Subchapters of this Chapter, the requirements of the relevant provisions of this Subchapter and all Subchapters of this Chapter will apply.

(2.0) 7:27-16.11 EXCEPTIONS

The provisions of this Subchapter, except for subsection 16.2(a), shall become effective on May 31, 1977 for equipment or control apparatus for which a valid "Permit to Construct, Install or Alter" or the permanent "Certificate to Operate" was issued by the Department during the period June 1, 1972 to the effective date of this Subchapter.

FEDERALLY PROMULGATED REGULATIONS

(14.0) 52.1574 General Requirements.

(b) Regulation for public availability of emission data.

1. Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or opreator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

2. Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1-December 31.

3. Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

4. Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the State designated by the Regional Administrator.

(6.0) 52.1577 Compliance Schedules

(a) Reserved

(b) The requirements of 51.15 (b)(1) of this chapter are not met since chapter 7, section 7.1(c) of New Jersey's "Air Pollution Control Code" permits certain sources to defer compliance with chapter 7 until after the required date for attainment of the national standards for particulate matter.

(c) The requirements of 51.15(c) of this chapter are not met since chapter 7 of New Jersey's "Air Pollution Control Code" does not provide for peridic increments of progress toward compliance for those sources with compliance schedules extending over a period of 18 or more months.

(d) Regulation for increments of progress.

1. Except as provided subparagraph (2) of this paragraph, the owner or operator of any stationary source in the State of New Jersey to which an exception extending beyond January 31, 1974, is applicable under Chapter 7, section 7.1(c) of the New Jersey Air Pollution Control Code shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the emission limitations prescribed by Chapter 7 of the New Jersey Air Pollution Control Code as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control process modification; initiation of onsite construction or installation of emission control equipment or process change; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

2. Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before January 31, 1974, no compliance schedule shall be required.

3. Any owner or operator required to submit a compliance schedule pursuant to this paragraph shall within 5 days after the deadline for each increment of the approved compliance schedule has been met.

4. Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(e) Federal compliance schedules. The compliance schedules for the sources identified below are approved as meeting the requirements of 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, except where noted:

Source	Location	Regulation involved	Effective Date	Final Compliance Date
Abex Inc	Mahwah,Bergen County	40 CFR 52.1577(d)[1]	Immediately	July 31, 1975
Gerald A.BarrettInc.	Woodbine,Cape May County	do	do	July 1, 1974
G.&W.H.Corson,Inc. (Home Crete Corp.)	Gibbsboro,Camden County	do	do	Dec. 1, 1974
Flockhart FoundryCo.	Newark,Essex County	40 CFR 52.177(d)	do	Do
GAF Corp.	Bridgewater Township,Somerset County.	do	do	
1.Preheating & conveying collector outlet.				Nov. 1, 1974
2.Stack for No. 1 side coloring plant.				June 1, 1975
3.Stack for No. 2 side coloring plant.				Do
4.Dryer Building collector outlet.				July 31, 1975
5.Acrator and Mixer exhaust.				Do
Grefco, Inc	Jamesburg,Middlesex County	40 CFR 52.1577(d)	Immediately	Apr. 15, 1975
Lace Cretions,Inc	Newark,Essex County	do	do	June 15, 1975
Metro Containers (Kraftco Corp).	Jersey City,Hudson County	do	do	July 31, 1975
Trap Rock Industries, Inc.	Kingston,Somerset County	do		
1. Stacks 4 and 4A				July 31, 1975
2. Stack 5				Do
Woodward Metal Processing Corp.	Jersey City,Hudson County	40 CFR 52.1577(d)	Immediately	Mar. 31, 1975

---

[1] Federal regulation.

(37 FR 10880, May 31, 1972, as amended at 37 FR 23090, Oct. 28, 1972; 38 FR 12713, May 14, 1973; 40 FR 30962, July 24, 1975).

(10.0) 52.1578 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000 or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(12.0) 52.1583 Regulation for annual inspection and maintenance.

(a) Definitions:

1. "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through indentifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

2. "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb GVW or less.

3. "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

4. All other terms used in this paragraph that are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings therein defined.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut AQCR for light and medium-duty vehicles, and applicable in the New Jersey portion of the Metropolitan Philadelphia AQCR for light-duty vehicles only.

(c) The State of New Jersey shall continue to administer and enforce its own inspection and maintenance program in effect on the date of promulgation of this section, and, in addition, shall establish an inspection and maintenance program applicable to all light-duty and medium-duty vehicles registered in the Regions that operate on streets and highways over which it has ownership or control in conformity with the requirements of this section. No later than July 1, 1974, the State shall submit legally adopted regulations to the Administrator for such a program. The State may exempt any class or category of vehicles which the State finds are rarely used on public streets and highwasy (such as classic or antique vehicles). The regulations shall include:

1. Provisions for inspection of all such motor vehicles at periodic intervals at least once each year by means of the test in use by the State on the date of promulgation of this section or such other type of test as may be approved by the Administrator.

2. Provisions for inspection failure criteria consistent with the failure of 30 percent of the vehicles tested during the first inspection cycle.

3. Provisions to require that failed vehicles receive, within 2 weeks, the maintenance necessary to achieve compliance with the inspection standards. These provisions shall include sanctions against non-complying individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair

facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

4. A program of enforcement, such as a spot check of idle adjustment, to insure that, following maintenance, vehicles are not subsequently readjusted or modified in such a way as would cause them no longer to comply with the inspection standards. This program shall include appropriate penalties for violation.

5. Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) Commencing January 1, 1975, the State shall not register or allow to operate on its highways any light-duty vehicle or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) Commencing January 1, 1975, no owner of a light-duty or medium-duty vehicle shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of New Jersey shall submit, no later than April 15, 1974, a detailed compliance schedule showing the steps it will take (or has taken) to establish and enforce a state-operated inspection and maintenance program pursuant to paragraph (c) of this section, including the text of any adopted legislation and any needed regulations that it will propose for adoption. The compliance schedule shall also include:

1. The date by which the State will recommend any needed legislation to the State legislature;

2. The date by which an additional necessary equipment will be ordered;

3. A statement from the Governor and State Treasurer identifying the sources and amounts of funds for the program. If funds cannot be legally obligated under existing statutory authority, the text of needed legislation must be submitted.

(38 FR 31393, Nov. 13, 1973, as amended at 39 FR 12101, Apr. 3, 1974)

(12.0) 52.1584 Exhaust gas recirculation retrofit.

(a) Definitions:

1. "Exhaust gas recirculation (EGR) - airbleed" means a system or device (such as a modification to the engine's carburetor or positive crankcase ventilation system) which results in engine operation at an increased air-fuel ratio so as to achieve reductions in exhaust emissions of hydrocarbons and carbon monoxide from 1970 and earlier light-duty vehicles of at least 25 percent and 50 percent, respectively.

2. "Medium-duty vehicle, gasoline-powered vehicle" means any motor vehicle rated at more than 6,000 GVW and less than 10,000 lb GVW and powered by a gasoline-burning engine.

3. "Antique motor vehicles" shall be those motor vehicles so defined by the New Jersey Department of Motor Vehicles.

4. All other terms used in this section that are defined in Appendix N of Part 51 of this chapter are used herein with the meanings so defined.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut AQCR for light-duty and medium-duty vehicles, and applicable in the New Jersey portion of the Metropolitan Philadelphia AQCR for light-duty vehicles only.

(c) The State of New Jersey shall establish a retrofit program to ensure that on or before August 1, 1976, all gasoline-powered light-duty vehicles of model years prior to 1971 that are subject under presently existing legal requirements for registration in the area defined in paragraph (b) of this section are equipped with an appropriate EGR-airbleed device, or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as the EGR-airbleed device. No later than April 15, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

1. Designation of any agency responsible for ensuring that the provisions of devices for use on vehicles subject to this section.

2. Designation of any agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

3. A provision requiring that no later than August 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emissions test provided for by 52.1583 as a prerequisite to annual registration unless it has first been equipped with an approved EGR-airbleed device, or other approved device that the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

4. Procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(d) After August 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After August 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(f) The State of New Jersey may exempt any class or category of vehicles which the State finds is rarely used on public streets or highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that EGR-airbleed devices are not commercially available.

(g) The State of New Jersey shall submit to the Administrator, no later than July 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations that it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(38 FR 31393, Nov. 13, 1973, as amended at 39 FR 12101, Apr. 3, 1974)

(12.0) 52.1585 Oxidizing catalyst retrofit.

(a) Definitions:

1. "Oxidizing catalyst" means a device that uses a catalyst installed in the exhaust system of a vehicle and, if necessary, includes an air pump to reduce emissions of hydrocarbons and carbon monoxide by 50 percent from that vehicle.

2. "Medium-duty, gasoline-powered vehicle" means any motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW and powered by a gasoline-burning engine.

3. All other terms used in this section that are defined in Appendix N to Part 51 of this chapter are used herein with the meanings so defined.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut AQCR for light and medium-duty vehicles, and applicable in the New Jersey portion of the Metropolitan Philadelphia AQCR for light-duty vehicles only.

(c) The State of New Jersey shall establish a retrofit program to ensure that on or before May 31, 1977, certain gasoline-powered, light-duty and medium-duty vehicles of model years 1971 through 1974, that are able to operate on 91 RON gasoline, and that are subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section are equipped with an appropriate oxidizing catalyst retrofit device or other device as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an oxidizing catalytic converter. No later than September 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

1. Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

2. Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

3. A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emissions test provided for by 52.1583 as a prerequisite to annual registration unless it has first been equipped with an approved oxidizing catalyst retrofit or ther approved retrofit device that the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

4. Procedures for insuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and have an adquate supply of retrofit components.

(d) After May 31, 1977, the State shall not register or allow to operate on its streets or highways any light-duty or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(f) The State of New Jersey shall submit to the Administrator, no later than July 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations that it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(38 FR 31394, Nov. 13, 1973, as amended at 39 FR 12101, Apr. 3, 1974)

(12.0) 52.1587 Regulation limiting on-street parking.

(a) Definitions:

1. "On-street parking" means stopping a motor vehicle on any street, highway, or roadway (except for legal stops) at or before intersections and as caution and safety require, whether or not a persons remains in the vehicle.

2. "Central Business District (CBD)" shall be defined as each area specified in paragraph (e) of this section.

(b) Beginning on or before January 1, 1975, the State of New Jersey together with the cities and towns designated in paragraph (e) of this section and other political or administrative subdivisions of the State shall prohibit on-street parking on all streets, highways, and other roads within each CBD as defined in paragraph (e) of this section over which they have ownership or control. Such prohibition shall be in effect, as a minimum, during the hours of 6 to 10 a.m. and 4 to 6 p.m., except on Saturdays, Sundays, and legal holidays. No later than September 1, 1974, each affected government entity shall submit to the Administrator legally adopted regulations establishing such a program. At a minimum, such regulations must provide that a vehicle parked in violation of the prohibition shall be towed away, and the owner and/or operator of such vehicle shall be fined not less than $50 for each violation.

(c) Commencing January 1, 1975, no owner of a motor vehicle shall park, or permit the parking of, said vehicle on a street or roadway within any CBD defined in paragraph (e) of this section.

(d) The governmental entities subject to this section shall submit to the Administrator, no later than July 1, 1974, detailed compliance schedules showing the steps they will take to establish and enforce the on-street parking limitation program, including statutory proposals and needed regulations that they will propose for adoption. Each compliance schedule shall include the date by which the governmental entities will recommend needed legislation to the appropriate body and will identify the state, county, or city officer responsible for enforcement. Each governmental entity may propose exemptions for vehicles owned by residents that are parked within 0.5 miles of the owner's residence, if such on-street parking is made necessary by the lack of other parking facilities, and if such parking is on a minor street that carries a low volume of traffic during the time of day the prohibition is in effect. All such exemptions shall be subject to the Administrator's approval.

(e) For purposes of this section, the CBD's for each of the following cities shall be bounded and described as follows:

1. Camden. Beginning at a point formed by the intersection of US-30 and Mickle Street, extended; thence south along Mickle Street

arcing to the south and west, to the intersection of Mickle Street and Third Street; thence north along Third Street to the Benjamin Franklin Bridge; thence east along the line of the Bridge to US-30; thence finally east along US-30, arcing to the east and south, to the intersection of US-30 with Mickle Street extended, the point of beginning. Streets forming boundaries shall be included in the CBD.

2. Newark. Beginning at a point formed by the intersection of Center Street and McCarter Highway (Highway 21); thence north along McCarter Highway to Lombardi Street; thence west along Lombardi Street to Altantic Street; thence north on Atlantic Street to Bridge Street; thence west on Bridge Street to Broad Street; thence north on Broad Street to Orange Street; thence west on Orange Street to Essex Street; thence north on Essex Street to James Street; thence east on James Street to Washington Street; thence south on Washington Street to Warren Street; thence west on Warren Street to University Avenue; thence south on University Avenue to Market Street; thence west on Market Street to Arlington Street; thence south on Arlington Street to William Street; thence east on William Street to Broad Street; thence south on Broad Street to Walnut Street; thence east on Walnut Street to Mulberry Street; thence north on Mulberry Street to Park Street; thence west on Park Street to Kitchell Street; thence north on Kitchell Street to Center Street; thence finally east on Center Street to its intersection with McCarter Highway, the point of beginning. Streets forming boundaries shall be including in the CBD.

3. Trenton. Beginning at a point formed by the intersection of Armory Drive and Front Street; thence west on Front Street to Willow Street to State Street; thence east on State Street to Warren Street; thence north on Warren Street to Hanover Street; thence east on Hanover Street to Stockton Street; thence south on Stockton Street to Merchant Street; thence east on Merchant Street to West Cannal Street; thence south on West Canal Street; across State Street, to its intersection with Armory Drive; thence finally south on Armory Drive to point of beginning. Streets forming boundaries shall be including in the CBD.

(38 FR 31394, Nov. 13, 1973, as amended at 39 FR 12101, Apr. 3, 1974; 40 FR 2802, Jan. 16, 1975).

(12.0) 52.1588 Management of parking supply.

(a) Definitions:

1. All terms used in this section but not specifically defined below have the meaning given them in Parts 51 and 52 of this chapter.

2. "Parking facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

3. "Vehicle trip" means a single movement by a motor vehicle that originates or terminates at a parking facility.

4. "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, building, structures or portion thereof, for use as a facility.

5. "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

6. "Commence" means to undertake a continuous program of on-site construction or modification.

(b) This regulation is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia AQCR's.

(c) The reguirements of this section are applicable to the following parking facilities in the areas specified in paragraph (b), the construction or modification of which is commenced after January 1, 1975:

1. Any new parking facility with parking capacity for 50 or more motor vehicles;

2. Any parking facility that will be modified to increase parking capacity by 50 or more motor vehicles; and

3. Any parking facility constructed or modified in increments which individually are not subject to review under this section, but which, when all such increments occurring since August 15, 1973, are added together as a total would subject the facility to review under this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided, that this paragraph shall not apply to any proposed parking facility for which a general construction contract was finally executed by all appropriate parties on or before January 1, 1975.

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or agency approved by him that:

1. The design or operation of the facility will not cause a violation of the control stratgey which is part of the applicable implementation plan, and will be consistent with the plan's VMT reduction goals.

2. The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time within 10 years from the date of application.

(f) All applications for approval under this section shall include the following information:

1. Name and address of the applicant.

2. Location and description of the parking facility.

3. A proposed construction schedule.

4. The normal hours of operation of the facility and the enterprises and activities that it serves.

5. The total motor vehicle capacity before and after the construction or modification of the facility.

(g) All applications under this section for new parking facilities with parking capacity for 250 or more vehicles, or for any modification which, either individually or together with other modification since January 1, 1975, will increase capacity by that amount, shall, in addition to that information required by paragraph (f) of this section, include the following information unless the applicant has received a waiver from the provisions of this paragraph from the Administrator or agency approved by him:

1. The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

2. A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transit from such areas.

3. An estimate of the average and peak hour vehicle trip generation rates, before and after construction or modification of the facility.

4. An estimate of the effect of the facility on traffic pattern and flow.

5. An estimate of the effect of the facility on total VMT for the air quality control region.

6. An analysis of the effect of the facility on site and regional air quality, including a showing that the facility will be compatible with the applicable implementation plan, and that the facility

will not cause any national air quality standard to be exceeded within 10 years from date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

7. Additional information plans, specifications, or documents required by the Administrator.

(h) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with applicable rules, regulations, permit conditions, and the design submitted in the application.

(i) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public, by prominent advertisement in the Region affected, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

1. The application, all submitted information, and the terms of the proposed action shall be made available to the public in a readily accessible place within the affected air quality control region.

2. Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

3. The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

(38 FR 31395, Nov. 13, 1973, as amended at 39 FR 1849, Jan. 15, 1974)

Note: The provisions of 52.1588 were suspended indefinitely at 40 FR 29714, July 15, 1975.

(12.0) 52.1589 Preferential bus/carpool treatment.

(a) Definitions:

1. For purposes of this section, "carpool" means a motor vehicle containing three or more persons.

2. "Bus/carpool lane" means a lane on a street or highway open only to buses (or buses and carpools), whether constructed especailly for that purpose or converted from existing lanes.

(b) The provisions of this section apply to the New Jersey portion of the New Jersey-New York-Connecticut Interstate AQCR and the New Jersey portion of the Metropolitan Philadelphia AQCR.

(c) Each appropriate governmental entity shall establish bus/carpool lanes on the following highways or traffic flow corridors over which it has ownership or control:

1. Interstate Route 495 from the New Jersey Turnpike to the Lincoln Tunnel.

2. New Jersey Route 3 from the New Jersey Turnpike to the intersection of New Jersey Route 3 and New Jersey Route 46.

3. U.S. Route 30 and New Jersey Route 155 from the Benjamin Franklin Bridge to the intersection of New Jersey Route 130 and U.S. Route 30.

4. The corridor from the George Washington Bridge to Paterson, New Jersey.

(d) Each affected governmental entity shall submit to the Administrator, no later than July 1, 1974, a detailed compliance schedule showing the steps which it will take to establish bus/carpool lanes on those highways and traffic flow corridors hereinbefore identified and to enforce the limitations on their use. Each schedule shall be subject to approval by the Administrator and shall be designated for the use of bus/carpool lanes.

(e) Bus/carpool lanes must be operational at a minimum between the hours of 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m.

(f) Bus/carpool lanes must be prominently indicated by distinctively painted lines, pylons, overhead signs, or physical barriers. Twenty-five percent of the lanes for each of the governmental entities must be established and fully operational by October 1, 1974; 50 percent by December 1, 1975; 75 percent by February 1, 1975; and 100 percent by May 1, 1975.

(g) On any street or highway indentified in paragraph (c) of this section, or on the street or highway designated for bus/carpool use in the George Washington Bridge-Paterson corridor, no existing emergency lane or lane used for on-street parking shall be converted for bus/carpool use or general traffic use unless as a consequence two lanes shall thereby be open only to busses and/or carpools on that portion of the street or highway where such conversion is effective.

(h) In addition to the bus/carpool lanes required to be created by paragraph (c) of this section, the State of New Jersey shall establish in the New Jersey portion of the New Jersey-New York-Connecticut Interstate AQCR, no later than May 31, 1977, an additional system of bus/carpool lanes totalling not less than 50 miles running in each direction. No later than January 1, 1976, the State shall submit to the Administrator for approval as to form and substance a detailed compliance schedule showing the steps it will take to establish, enforce, and maintain such a system.

(i) A signed statement by the chief executive officer of each affected governmental entity or his designee shall be submitted to the Administrator on or before July 1, 1974, to identify the source and amount of funds for allocation required by this section; provided, that such a statement relating to the additional system required by paragraph (h) of this section shall be submitted no later than January 1, 1976.

(j) Each affected governmental entity shall submit to the Administrator, no later than August 1, 1974, legally adopted regulations to implement and enforce the provisions of this section; provided, that such regulations relating to the additional system required by paragraph (h) of this section shall be submitted no later than January 1, 1976.

(38 FR 31395, Nov. 13, 1973, as amended at 39 FR 12101, Apr. 3. 1974).

(12.0) 52.1590 Employer's provision for mass transit priority incentives.

(a) Definitions: All terms used in this section but not defined herein shall have the meaning given them in the Clean Air Act and in Parts 51 and 52 of this chapter:

1. "Carpool" means a vehicle containing two or more persons.

2. "Employee parking space" means any parking space reserved or provided by an employer and made available for the use of his employees.

3. "Employer" means any person who provides 400 or more employee parking spaces for use by employees of his facility.

4. "Facility" means any building or group of buildings at one location (e.g., an industrial complex, state office building complex) owned or operated by any person.

5. "Transit incentive program" means a mix of incentive or disincentive provisions most likely to obtain maximum use of carpooling and mass transit so as to reduce vehicle miles traveled (VMT). Some incentive examples are: subsides to employees using mass transit, preferential parking or other benefits for those who travel in carpools, provision of vanpooling services, provision of special charter or employer buses to and from mass transit stops and formal information system so that employees can select optimum carpool arrangements. Some examples of disincentive provisions are: Reduction in employee parking spaces, surcharges on use of parking spaces for single passenger drivers and non-preferential parking fo single passenger drivers. Such program shall also include procedures for the submission of reports as provided in paragraph (l) of this section, and shall be accompanied by the baseline data required by paragraph (m) of this section.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate AQCR's ("the Regions").

(c) Each employer in the Regions who provides 400 or more employee parking spaces for any facility shall fully implement and maintain a transit incentive program for that facility in accordance with a plan approved by the Administrator under paragraph (f) of this section or prescribed by the Administrator under paragraphs (g), (h), or (j) of this section.

(d) Each employer in the Regions who on July 1, 1974 provides 400 or more employee parking spaces for any facility shall submit to the Administrator on or before July 1, 1974, a transit incentive program for the facility.

(e) Each employer in the Regions who at any time after July 1, 1974 provides 400 or more employee parking spaces for any facility shall submit to the Administrator within 60 days from the time such spaces were provided a transit incentive program for that facility.

(f) Within 60 days of receipt by EPA of a transit incentive program the Administrator shall approve or disapprove such program. Notice of such approval will be published in Part 52 of Title 40, Code of Federal Regulations.

(g) Within 30 days after an employer's transit incentive program has been disapproved pursuant to paragraph (f) of this section, the Administrator shall prescribe a program for such employer.

(h) Within 90 days from the time an employer becomes subject to the requirements of this section, the Administrator shall prescribe a transit incentive program for each such employer who has failed to submit a proposed program pursuant to paragraph (d) or (e) of this section.

(i) If, after the Administrator has approved a transit incentive program, the employer fails to submit any reports in full compliance with paragraph (l) of this section, or if the Administrator finds that any such report has been intentionally falsified, or if the Administrator determines that the program is not being fully implemented and maintained, the Administrator may take enforcement action to require correction of reports and compliance with such program, or he may revoke the approval of such program. Notice of such revocation will be published in Part 52 of Title 40, Code of Federal Regulations.

(j) Within 60 days after any revocation pursuant to paragraph (i) of this section, the Administrator shall prescribe a transit incentive program for the affected employer.

(k) Any transit incentive program prescribed by the Administrator in accordance with paragraphs (g), (h) or (j) of this section shall be published in Part 52 of Title 40, Code of Federal Regulations.

(1) Each employer in the Regions subject to the requirements of paragraph (c) of this section shall submit semiannual reports to the Administrator for each facility covered by a transit incentive program. The semiannual reporting periods are January 1-June 30 and July 1,-December 31.

Semiannual reports shall be submitted within 45 days after the end of each reporting period (i.e., by February 15 and August 15 of each year). The first semiannual report, therefore, must be submitted within 45 days after the end of the first reporting period during which an employer's program was in effect unless such program was in effect for 90 days or less. In such case the first semi-annual report shall be due within 45 days after the end of the next reporting period. Such reports shall include the following information for each facility for a typical workday (specified by date within the report) during the reporting period:

1. The total number of parking spaces available for employee use.

2. The total number of employees.

3. The number of employees driving to work alone (whether or not they use employee parking).

4. The number of employees driving to work in carpools (whether or not they use employee parking).

5. The number of employees using public transportation.

6. The number of employees using other means to come to work (walking, bicycles, motorcycles, etc.).

7. The number of vehicles per day used for carpools (whether or not using employee parking).

8. The total of all vehicle-miles-traveled per day by all vehicles in which employees are driving alone.

9. The total of all vehicle-miles-traveled per day by all carpool vehicles.

10. A brief discription of the method by which the vehicle-miles-traveled were estimated.

11. If a facility has more than one work shift, specify the hours of each shift and the average percentage of total employees in each shift. If employees rotate among shifts, so specify.

12. A narrative describing the status of the employer's efforts towards promoting the use of mass transit, carpooling etc. Examples of

items which might be included are: reports of employee carpool promotion meetings; employer sponsored improvements to mass transit facilities; efforts by the employer in maintaining present, and creating new incentive or disincentive measures in the program.

(m) When an employer submits a transit incentive program pursuant to this regulation. he shall include with the submission "baseline" information representative of a typical workday (specified by date) prior to the implementation of such program. The baseline data selected must be one for which valid estimates or actual data are available. Such date shall be no earlier than August 1, 1973 and no later than April 1, 1974 for those employers subject to paragraph (d) of this section, and no earlier than eight months prior to submission of the transit incentive program for those employer's subject to paragraph (e) of this section. The baseline information to be submitted is the same as specified or semiannual reports in paragraph (l) of this section.

(n) When an employer previously subject to paragraph (d) or (e) of this section subsequently reduces to below 400 the number of employee parking spaces, he shall no longer be subject to the requirements of this section, unless and until he again provides 400 employee parking spaces. Probative evidence of such a reduction must be submitted to and accepted by the Administrator before the transit incentive program may be discontinued.

(o) The Administrator has approved transit incentive programs for the following employers under the provisions of paragraph (f) of this regulations:

1. On April 21, 1975:

Addressograph Multigraph Corp., 11 Mt. Pleasant Avenue, East Hanover, New Jersey 07936.
Airco Welding Products, Div. of Airco, Inc., P.O. Box 281, Clermont Terrace, Union, New Jersey 07083
Allied Chemical Corporation, P.O. Box 2245R, Morristown, New Jersey 07960
Amax-U.S. Metals Refining Company, 400 Middlesex Avenue, Carteret, New Jersey 07008.
American Can Company, 600 North Union Avenue, Union, New Jersey 07205.
American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey 08540.
American Cyanamid Company, Wayne, New Jersey 07470.
American Hoechst Corporation, Route 202-206 North, Somerville, New Jersey 08876.
Anchor Hocking Corporation, P.O. Box 80, Salem, New Jersey 08079.
Anheuser-Busch, Inc., 200 U.S. Highway 1, Newark, New Jersey 07101.
Becton, Dickison, and Company, Rutherford, New Jersey 07070.
Bell Laboratories, 600 Mountain Avenue, Murray Hill, New Jersey 07974.
Bendix Corporation, Electric Power Division, Eatontown, New Jersey 07724.

Bendix Navigation & Control Division, Teterboro, New Jersey 07608.
Boy Scouts of America, North Brunswick, New Jersey 08902.
Bristol-Myers Products, Division of Bristol-Myers Company,
225 Long Avenue, Hillside, New Jersey 07207.
Campbell Soup Company, Camden, New Jersey 08101.
Carter-Wallace, Inc., Half Acre Road, Cranbury, New Jersey 08512.
Chubb & Son, Inc., 51 John F. Kennedy Parkway, Short Hills,
New Jersey 07078.
Ciba-Geigy Corporation, Pharmaceuticals Division, 556 Morris Avenue,
Summit, New Jersey 07901.
CPC International, Inc., International Plaza, Englewood Cliffs,
New Jersey 07632
Crum & Foster Insurance Company, Madison Avenue at Canfield Road,
P.O. Box 2387, Morristown, New Jersey 07960.
Curtiss-Wright Corporation, One Passaic Street, Woodridge,
New Jersey 07075.
Delco-Remy, Division of General Motors, New Brunswick,
New Jersey 08903.
Department of the Air Force, McGuire Air Force Base,
New Jersey 08641.
Department of the Army, Fort Dix,
New Jersey 08640
Department of the Army, Military Ocean Terminal,
Bayonne, New Jersey 07002.
DuPont Chambers Works, Deepwater,
New Jersey 08023.
Eastern Airlines Incorporated, Woodbridge Township,
Iselin, New Jersey 08830.
Educational Testing Service, Princeton,
New Jersey 08540.
Exxon Chemical Company, P.O. Box 222,
Linden, New Jersey 07036
Ford Motor Company, Mahwah Assembly Plant, State Highway No. 17,
Mahwah, New Jersey 07430.
General Motors, Fisher Body Division, Trenton Plant, Parkway Avenue,
Trenton, New Jersey 08605.
General Motors Corporation, Linden Plant, 1016 West Edgar Road,
Linden, New Jersey 07036.
Givaudan Corporation, 100 Delawanna Avenue,
Clifton, New Jersey 07014.
GTE Information Systems, Incorporated, East Park Drive,
Mt. Laurel, New Jersey 08057.
Hackensack Hospital, 22 Hospital Place,
Hackensack, New Jersey 07601.
Hoffmann-Laroche, Incorporated, 340 Kingsland Street,
Nutley, New Jersey 07110.
Holly Stores, Incorporated, 7373 West Side Avenue,
North Bergen, New Jersey 07047.
I.B.M. Corporation, P.O. Box 218,
Dayton, New Jersey 08810.

I.B.M. Corporation, Parson's Pond Drive,
Franklin Lakes, New Jersey 07417.

Insurance Company of North America, Pacific Employers Group, 1600
Arch Street, Phildadelphia, Pennsylvania 19101 (Somerdale,
New Jersey facility).

ITT, Avionics Division, 390 Washington Avenue,
Nutley, New Jersey 07110.

Johnson & Johnson, New Brunswick,
New Jersey 08903.

Lehn & Fink Products Company, 225 Summit Avenue,
Montvale, New Jersey 07645.

Thomas J. Lipton, Incorporated, 800 Sylvan Avenue,
Englewood Cliffs, New Jersey 07632.

Lockheed Electronics Company, Incorporated, U.S. Highway No. 22
Planifield, New Jersey 07061.

The Lummus Company, 1515 Broad Street,
Bloomfield, New Jersey 07003.

The Mennen Company, Hanover Road,
Morristown, New Jersey 07960.

Merk & Company, Incorporated, Rahway Site,
Rahway, New Jersey 07065.

Mobil Oil Corporation, Paulsboro,
New Jersey 08066.

Mobil Research and Development Corporation, Engineering Department,
P.O. Box 1026, Princeton, New Jersey 08540.

Monroe, The Calculator Company, The American Road,
Morris Plains, New Jersey 07950.

Naval Weapons Station Earle, Colts Neck,
New Jersey 07722.

New Jersey Bank, N.A., P.O. Box 2177, West Paterson,
New Jersey 07509.

New Jersey State Department of the Treasury, State House, 125 West
State Street, Trenton, New Jersey 08625.

N.L. Industries, Incorporated, Titanium Pigment Division, P.O. Box 58,
South Amboy, New Jersey 08879.

Owens-Corning Fiberglas Corporation, Shreve & Davis Roads,
Barrington, New Jersey 08007.

Prentice-Hall, Incorporated, Englewood Cliffs,
New Jersey 07632.

The Prudential Insurance Company of America, Prudential Plaza,
Newark, New Jersey 07101.

RCA, Front & Cooper Streets, Camden,
New Jersey 08102.

Rowe International, Incorporated, 75 Troy Hills Road,
Whippany, New Jersey 07981.

Sandoz Wander, Incorporated, Route 10, East Hanover,
New Jersey 07936.

Schering Corporation, Galloping Hill Road, Kenilworth,
New Jersey 07033.

Sea-Land Service, Incorporated, Fleet Street, P.O. Box 2000,
Elizabeth, New Jersey 07207.

Shulton, Incorporated, 697 Route No. 46,
Clifton, New Jersey 07015.
Siemens Corporation, 186 Wood Avenue, South,
Iselin, New Jersey 08830.
Silver Burdett Company, 250 James Street, Morristown,
New Jersey 07960 (formerly General Learning Corp.).
Simmons Company, Brunswick Avenue and Allen Street,
Elizabeth, New Jersey 07207.
Singer Company, Kearfott Division, 1150 McBride Avenue,
Little Falls, New Jersey 07424.
E. R. Squibb & Sons, Incorporated, Georges Road,
New Brunswick, New Jersey 08903.
E. R. Squibb & Sons, Incorporated, P.O. Box 4000,
Princeton, New Jersey 08540.
State Farm Insurance Companies, 1750 Route 23,
Wayne, New Jersey 07470.
Stone & Webster Engineering Company, 2500 McClellan Avenue,
Pennsauken, New Jersey 08109.
Supermarkets General Corporation, 301 Blair Road,
Woodbridge, New Jersey 07095.
Texaco Petroleum Products, Incorporated, P.O. Box 98,
Westville, New Jersey 08093.
Wakefern Food Corporation, 600 York Street,
Elizabeth, New Jersey 07207.
Warner-Lambert Company, 201 Taber Road,
Morris Plains, New Jersey 07950.
Western Electric Company, 100 Central Avenue,
Kearny, New Jersey 07032.
Western Electric, P.O. Box 900,
Princeton, New Jersey 08540.
Western Electric-N.J. Service Center, 650 Liberty Avenue,
Union, New Jersey 07083.
Western Union, 1 Lake Street, Upper Saddle River,
New Jersey 07458.
Veterans Administration Hospital, East Orange,
New Jersey 07019.
195 Broadway Corporation, P.O. Box 2017, New Brunswick,
New Jersey 08903 (Raritan River & Basking Ridge facilities).

(2) On April 30, 1976:

Amerace Corporation, Esna Division, 2330 Vauxhall Road,
Union, New Jersey 07083.
American Cyanamid Company, Bound Brook,
New Jersey 08805.
Automatic Switch Company, Florham Park,
New Jersey 07932.
Burroughs Corporation, 141 Mt. Bethel Road,
Warren, New Jersey 07060.

CBS Records, Lambs and Woodbury Roads,
Pitman, New Jersey 08071.
Cessna Aircraft Company, Aircraft Raido and Control Division
P.O. Box 150, Boonton, New Jersey 07005.
Chevron Oil Company, Eastern Division, 1200 State Street,
Perth Amboy, New Jersey 08861.
Colgate-Palmolive Company, 105 Hudson Street
Jersey City, New Jersey 07302.
Department of the Army, Headquarters, Picatinny Arsenal,
Dover, New Jersey 07801.
Department of the Navy, Naval Air Propulsion Test Center,
Trenton, New Jersey 08628.
Department of Transportation, State of New Jersey, 1035 Parkway Avenue,
Trenton, New Jersey 08625.
Electronic Associates, West Long Branch,
New Jersey 07764.
Essex County Hospital Center, 125 Fairview Avenue,
Ceder Grove, New Jersey 07009.
Faberge' Incorporated, 65 Railroad Avenue,
Ridgefield, New Jersey 07657.
GAF Corporation, 1361 Alps Road,
Wayne, New Jersey 07470.
Glassboro State College, U.S. Route 322,
Glassboro, New Jersey 08028.
Amerada Hess Corporation, 1 Hess Plaza,
Woodbridge, New Jersey 07095.
Hill Refrigeration Division, Emhart Corporation,
P.O. Box 61, Trenton, New Jersey 08601.
Interdata Incorporated, 2 Cresent Place,
Oceanport, New Jersey 07757.
Johns-Manville Products Corporation, 200 North Main Street,
Manville, New Jersey 08835.
John F. Kennedy Medical Center, Edison,
New Jersey 08817.
Walter Kidde & Company, Incorporated, 675 Main Street,
Belleville, New Jersey 07109.
Kimberly-Clark Corporation, Schweitzer Division,
Spotswood, New Jersey 08884.
McGraw-Hill, Incorporated, Princeton Road,
Hightstown, New Jersey 08520.
Monmouth Medical Center, Second Avenue,
Long Branch, New Jersey 07740.
Morristown Memorial Hospital, 100 Madison Avenue,
Morristown, New Jersey 07960.
National Starch & Chemical Corporation, 10 Finderne Avenue, P.O. Box
6500, Bridgewater, New Jersey 08807.
New Jersey Institute of Technology, 323 High Street,
Newark, New Jersey 07102.
New Jersey Manufacturers Insurance Company, Sullivan Way,
Trenton, New Jersey 08607.

New Jersey Neuropsychiatric Institute, State of New Jersey, P.O. Box
1000, Princeton, New Jersey 08540.
William Paterson College of New Jersey, 300 Pompton Road,
Wayne, New Jersey 07470.
Princeton University, Office of Administrative Services, P.O. Box 32,
Princeton, New Jersey 08540.
Research Cottrell, P.O. Box 750, Bound Brook,
New Jersey 08805.
Revlon, Route 27 and Talmadge Road,
Edison, New Jersey 08817.
Rutgers University, New Brunswick,
New Jersey 08903.
Saint Barnabas Medical Center, Old Short Hills Road,
Livingston, New Jersey 07039.
Saint Josephs Hospital and Medical Center, 703 Main Street,
Paterson, New Jersey 07503.
Scholastics Magazines, Incorporated, 900 Sylvan Avenue,
Englewood Cliffs, New Jersey 07632.
Sunshine Biscuits, Bordentown Avenue and Jernee Mill Road,
P.O. Box 7, Sayreville, New Jersey 08872.
The Thomas & Betts Company, 36 Butler Street,
Elizabeth, New Jersey 07207.
Trenton State College, Pennington Road,
Trenton, New Jersey 08625.
Wallace & Tiernan Division, 25 Main Street,
Belleville, New Jersey 07109.
Westinghouse Electric Corporation, One Westinghouse Plaza,
Bloomfield, New Jersey 07003.
Weston Instrument Division, 614 Frelinghuysen Avenue,
Newark, New Jersey 07114.
The J. B. Williams Company, Incorporated, 750 Walnut Avenue,
Cranford, New Jersey 07016.
Union Carbide Corporation, Chemical and Plastics Division, P.O. Box 670
River Road, Bound Brook, New Jersey 08805.

(3) On January 21, 1977:

BASF Wyandotte Corporation, 100 Cherry Hill Road,
Parsippany, New Jersey 07054.
Nabisco, Incorporated, East Hanover,
New Jersey 07936.

(41 FR 3476, Jan. 23, 1976, as amended at 42 FR 13826, Mar. 14, 1977)

(12.0) 52.1591 Regulation for a vehicle free zone.

(a) "Vehicle free zone" means a zone in which all motor vehicles are prohibited.

(b) The City of Trenton shall establish and maintain a vehicle free zone on State Street between Willow and Stockton Streets to be in effect no later than May 31, 1975.

(c) The City of Trenton shall submit to the Administrator, no later than July 1, 1974, a detailed compliance schedule showing the steps it will take to establish, maintain, and enforce the vehicle free zone required by paragraph (b) of this section, including any needed ordinances and regulations which it will propose for adoption. The compliance schedule shall identify the official responsible for enforcement of the regulations and shall set forth the penalties to be imposed for violations. The City of Trenton may propose limited exemptions for specifically identified essential and emergency vehicle trips, which exemptions shall be subject to the Administrator's approval.

(d) On or before September 1, 1974, the City of Trenton shall submit to the Administrator legally adopted regulations to carry out the provisions of this section.

(38 FR 31397, Nov. 13, 1973, as amended at 39 FR 12101, Apr. 31 1974).

(12.0) 52.1593 Monitoring transportation mode trends.

(a) This section is applicable to the New Jersey portion of the New Jersey-New York-Connecticut Interstate AQCR and the New Jersey portion of the Metropolitan Philadelphia Interstate AQCR.

(b) The State of New Jersey or a designated agency approved by the Administrator shall monitor the actual per vehicle emission reductions occurring as a result of retrofit devices and inspection and maintenance programs required under 52.1583-1585, and the observed changes in vehicle speeds as a result of traffic flow changes and reductions in vehicle use required under 52.1586-1592, and 52.1600.

(c) No later than July 1, 1974, the State shall submit to the Administrator a detailed program demonstrating compliance with paragraph (b) of this section in accordance with 40 CFR 51.19 (d). The program description shall include the following:

1. The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

2. The administrative process to be used.

3. A description of the methods to be used to collect the emission reduction/VMT reduction/vehicle speed data, including a description of any modeling techniques to be employed.

4. The funding requirements, including a signed statement from the Governor or State Treasurer or their respective designees identifying the sources and amount of funds for the program.

(d) All data obtained by the monitoring program shall be included in the quarterly report submitted to the Administrator by the State, as required by 40 CFR 51.7, in the format prescribed in Appendix M, 40 CFR Part 51. The first quarterly report shall cover the period January 1-March 31, 1975.

(38 FR 31397, Nov. 13, 1973, as amended at 39 FR 12101, Apr. 3, 1974)

(51.16) 52.1595 Gasoline loading.

(a) Definitions.

1. "Vapor recovery system" means a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged, and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to reduce their emissions to the atmosphere.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Air Quality Control Regions. Compliance with paragraph (c) of this section shall be in accordance with the provisions of 52.1597.

(c) A person shall not load gasoline into any truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor recovery system, as defined in subparagraph (a)(1) of this section or its equivalent approved by the Administrator.

(d) Loading of gasoline shall be accomplished in such a manner that all displaced vapors and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage before the loading devices is disconnected. The vapor disposal portion of the vapor recovery system shall consist of the following:

1. An absorber system or condensation system that processes all vapors and recovers at least 90 percent by weight of the gasoline vapors and gases from the equipment being controlled.

2. A vapor handling system that directs all vapors to a fuel gas system.

3. Other equipment of an efficiency equal to or greater than subparagraphs (1) or (2) of this paragraph, if approved by the Administrator.

(e) This section shall apply only to the loading of gasoline, as defined in paragraph (a) of 52.1598, having a Reid vapor pressure of 4.0 psia or greater under actual loading conditions.

(41 FR 27833, July 7, 1976)

(6.0) 52.1597 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of any stationary source subject to the requirements of 52.1594 or 52.1595 shall comply with the compliance schedule in paragraph (b) of this section.

(b)(1) On or before February 15, 1974, submit to the Administrator a final control plan that describes at a minimum the steps that must be taken by the source to achieve compliance with 52.1594 and 52.1595.

(2) On or before April 15, 1974, negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of components to accomplish emission control or process modification for compliance with 52.1594 and 52.1595.

(3) On or before July 1, 1974, initiate on-site construction or installation of emission control equipment or process modification for compliance with 52.1594 and 52.1595.

(4) On or before April 1, 1975, complete on-site construction or installation of emission control equipment or process modification.

(5) On or before May 31, 1975, achieve final compliance with the applicable sections cited in paragraph (a) of this section.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been ment.

(c) Paragraph (b) of this section shall not apply to:

1. A source which is presently in compliance with 52.1594, 52.1595 and which has certified such compliance to the Administrator by February 15, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

2. A source for which a compliance schedule is adopted by the State and approved by the Administrator.

3. A source whose owner or opreator submits to the Administrator by February 15, 1974 a proposed alternative schedule for 52.1594 and

52.1595. No such schedule may provide for compliance after May 31, 1975. If approved and promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(d) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this sections fails to satisfy the requirements of 51.15 (b) and (c) of this chapter.

(38 FR 31399, Nov. 13, 1973, as amended at 39 FR 12101, Apr. 3, 1974; 39 FR 12865, Apr. 9, 1974; 39 FR 40287, Nov. 11, 1974).

(51.16) 52.1598 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

1. The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

2. If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily added on to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with 52.1599.

3. The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent. which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this section will not be required to be retrofitted with a vapor return system until January 1, 1977.

(iv) Facilities which have a daily throughput of 20,000 gallons of gasoline or less are required to have a vapor recovery system in operation no later than May 31, 1977. Delivery vessels and storage containers served exclusively by facilities required to have a vapor recovery system in operation no later than May 31, 1977, also are required to meet the provisions of this section no later than May 31, 1977.

(d) The provisions of paragraph (c) shall not apply to the following:

1. Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

2. Any container having a capacity less than 2,000 gallons installed prior to promulgation of this section.

3. Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Compliance schedule:

1. June 1, 1974; Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

2. March 1, 1975; Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

3. May 1, 1975; Initiate on-site construction or installation of emission control equipment.

4. February 1, 1976; Complete on-site construction or installation of emission control equipment.

5. March 1, 1976; Assure final compliance with the provisions of paragraph (c) of this section.

6. Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

1. To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by June 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

2. To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

3. To a source whose owner or operator submits to the Administrator by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of 51.15 (b) and (c) of this chapter.

(h) Any gasoline dispensing facility subject to this section which installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section by March 1, 1976, and shall comply with the requirements of paragraph (e) of this section as far as possible. Any facility subject to this section which installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

(38 FR 31399, Nov. 13, 1973, as amended at 39 FR 4881, Feb. 8, 1974; 39 FR 41253, Nov. 26, 1974; 41 FR 56643, Dec. 12, 1976; 42 FR 29005, June 7, 1977.

(12.0) 52.1599 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

1. Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle.

2. Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors is recovered.

3. Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank, or to an adsorption, incineration, refregeration-condensation system or equivalent.

(e) Components of the systems required by paragraph (c) of 52.1598 can be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any facility from installing a system referred to in paragraph (c).

(g) Compliance schedule:

1. January 1, 1975-Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

2. March 1, 1975-Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

3. May 1, 1975-Initiate on-site construction or installation of emission control equipment.

4. May 1, 1977-Complete on-site construction or installation of emission control equipment or process modification.

5. May 31, 1977-Assure final compliance with the provisions of paragraph (c) of this section.

6. Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(h) Paragraph (f) of this section shall not apply:

1. To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 1, 1975. The Administrator may request whatever supporting information he considers necessary for proper certification.

2. To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

3. To a source whose owner or operator submits to the Administrator, by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. If promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(i) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (f) of this section fails to satisfy the requirements of 51.15 (b) and (c) of this chapter.

(j) Any gasoline dispensing facility subject to this section which installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section by May 31, 1977, and shall comply with the requirements of paragraph (f) of this section as far as possible. Any facility subject to this section which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

(38 FR 31400, Nov. 13, 1973, as amended at 39 FR 4881, Feb. 8, 1974; 39 FR 12102, Apr. 3, 1974; 39 FR 21053, June 18, 1974).

Note: The compliance dates given in paragraphs (g)(1)-(3) were suspended indefinitely at 40 FR 1127, Jan. 6. 1975.

(12.0) 52.1600 Carpool matching and promotion system.

(a) Definitions:

1. "Carpool" means two or more persons utilizing the same vehicle.

2. "Carpool matching and promotion" means assembling lists of people sharing similar travel needs. The aggregate of drivers and riders on each list identifies potential carpools.

3. "Time-origin-destination (TOD) information" means specification of a driver or rider's work schedule, home and work locations, or the location of other desired origins and destinations of trips (such as

shopping or recreational trips).

4. "Pilot program" means a program that is initiated on a limited basis for the purpose of facilitating a future full scale regional program.

5. All other terms used in this section that are defined in Part 51 of this chapter are used herein with the meanings so defined.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions.

(c) The State of New Jersey or an appropriate local agency approved by the Administrator shall implement a carpool matching and promotion program that will serve persons employed in the central business districts, as defined in 52.1587 (e) of this chapter, in Newark in the New Jersey-New York-Connecticut Interstate Region. The State of New Jersey or an appropriate local agency approved by the Administrator shall comply with the following provisions in establishing the program:

1. A pilot program shall be initiated and fully operational by July 1, 1974.

2. A program that will serve all persons employed in the central business districts specified in paragraph (c) of this section shall be initiated and fully operational by January 1, 1975.

3. A timetable for implementation of the full program shall be submitted to the Administrator by July 1, 1974, and shall include legally adopted regulations establishing the program or dates by which the regulations will be adopted. This timetable shall be accompanied by a statement from the Governor and State Treasurer identifying the sources and amounts of funds for the program. If funds cannot be legally obligated under existing statutory authority, the text of needed legislation shall be submitted.

(d) Regulations adopted by the State of New Jersey or a local agency shall include, as a minimum, the following:

1. A method of collecting information which will include the following as a minimum:

(i) Provisions for each affected employee to receive an application form with a cover letter describing the matching program.

(ii) Provisions on each application for the applicant to identify his TOD information, and the applicant's desire to drive only, ride only, or share driving.

2. A computerized method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in the urban area and region surrounding the CBD's specified in paragraph (c) of this section, and matching applicants with compatible TOD information.

3. A method of providing continuing service so that the master list of all applicants is retained and available for use by new applicants and a method of periodically updating the master list to remove applicants who have moved from the area served.

4. An agency or agencies responsible for operating, overseeing, and maintaining the carpool computer matching system.

(38 FR 31400, Nov. 13, 1973, as amended at 39 FR 12102, Apr. 3, 1975)

(17.0) 52.1603 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations

Pollutant	Class I (ug/m^3)	Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)